

Final Environmental Impact Report No. 3
Moon Camp 50-lot Residential Division, TT No. 16136
Big Bear Lake, San Bernardino County, California
SCH No. 2002021105

Prepared for:

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

Prepared by:

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June 2024

TABLE OF CONTENTS

Comment Letters and Responses to Comments

Mitigation Monitoring and Reporting Program

Partially Recirculated Draft EIR No. 3 (Volume 1)

**COMMENT LETTERS AND
RESPONSES TO COMMENTS**

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MEMORANDUM

June 19, 2024

From: Kaitlyn Dodson-Hamilton

To: Mr. Jim Morrissey

Subj: Completion of the Partially Recirculated Draft Environmental Impact Report No. 3 Moon Camp 50-lot Residential Division, TT No. 16136 Big Bear Lake, San Bernardino County, California (SCH #2002021105)

Purpose of the Draft Environmental Impact Report

The County of San Bernardino (County) has distributed the Partially Recirculated Draft Environmental Impact Report No. 3 (Moon Camp PRDEIR No. 3) Moon Camp 50-lot Residential Division, TT No. 16136 Big Bear Lake, San Bernardino County, California (SCH #2002021105) for public review with the review starting on February 1, 2024 and ending on March 18, 2024. PRDEIR No. 3 was circulated to respond to the Writ of Mandate,¹ and address (1) those items that the San Bernardino County Superior Court (Court) found deficient in its January 20, 2022, decision, and (2) focus on the topics of Project land use consistency as a result of the recently adopted San Bernardino Countywide Plan.

Scope of the Revised EIR Analysis

The PRDEIR No. 3 focuses solely on the topics of Biological Resources (impacts to ashy-gray Indian paintbrush and pebble plain habitat), Hazards and Hazardous Materials (wildfire evacuation), and Land Use and Planning (consistency with the San Bernardino Countywide Plan). The analysis and CEQA determinations for topics that fall outside of the narrow focus of the PRDEIR No. 3 were deemed adequate by the Court, and therefore no longer warrant discussion

¹ The matter came before the San Bernardino County Superior Court at a hearing on January 20, 2022. After the hearing Superior Court judge David Cohn issued a ruling that found the County failed to comply with CEQA in 2 narrow instances:

1. There was no substantial evidence supporting the determination that impacts to the Ashy- Gray Indian Paintbrush were reduced to less than significant levels with the implementation of identified mitigation measures. Specifically, the Court found that there was no substantial evidence in the record supporting the County's finding that the preservation of the 10-acre Dixie Lee Lane parcel mitigated Project impacts to the Ashy- Gray Indian Paintbrush or pebble plain habitat.
2. The County's finding that the Project would have a less than significant impact on Wildfire Safety Hazards and Emergency Evacuation. Specifically, the Court concluded that the record failed to include substantial evidence supporting the finding that the identified evacuation routes are adequate to safely and efficiently evacuate the residents and the guests of the Project in the event of a wildfire.

All other grounds for the petition were denied.

or consideration beyond what was presented in the July 2020 FEIR, pursuant to CEQA Statute 15234(d).²

As stated in the Notice of Availability that announced the Circulation of the PRDEIR No. 3, and in Section 1.2 of the PRDEIR No. 3, only new comments submitted on the recirculated portions of the PRDEIR No. 3 will be considered by the County. As an example, any comments pertaining to impacts on the Bald Eagle will not be considered in the responses to comments, because the Court determined that the impacts on Bald Eagle were adequately analyzed in the July 2020 FEIR. Thus, the opportunity to comment on impacts determined to be adequate by the Court that were not the aforementioned focus of the PRDEIR No. 3 has concluded.

Documentation Incorporated in the FEIR

This memorandum, combined with the PRDEIR No. 3 and July 2020 Moon Camp FEIR (which contains reference to and incorporates all of the environmental impact reports that came before it), the above list of commenters, the attached comment letters and responses, the MMRP, CEQA statement of facts, findings and Statement of Overriding Considerations (SOOC), and other Staff materials in the final administrative record constitute the 2024 FEIR for the proposed Project. The County of San Bernardino Board of Supervisors will consider the Moon Camp Project in the future on a date selected after legal notice has been provided. The hearing will be held at the Covington Chambers of the Board of Supervisors, County Government Center, 385 North Arrowhead Avenue, First Floor, San Bernardino, California.

Comments Received

The County of San Bernardino received written comment letters from 17 persons/entities on the proposed Moon Camp PRDEIR No. 3. The comments are responded to herein. The contents of a Final EIR are defined in Section 15132 of the State California Environmental Quality Act (CEQA) Guidelines and include the following requirements: the PRDEIR No. 3; comments and recommendations received on the PRDEIR No. 3; a list of parties commenting of the PRDEIR No. 3; responses to comments by the CEQA Lead Agency (County); a mitigation monitoring and reporting program (MMRP); a set of facts, findings and statement of overriding considerations (SOOC, where required); and, any other information added by the Lead Agency as part of its decision-making process for a Project. A revised SOOC will be required as part of the decision-making package before the Recirculated Final EIR (RFEIR) can be certified. This memorandum and the attached responses to comments contained herein constitute a portion of the FEIR for the County on this proposed Project.

The following parties submitted written comments. The County's responses to those letters are provided in the attached Responses to Comments:

1. Pat Foley
2. Annie May Cron
3. Deborah Deutsch Smith
4. Chris and Alan Gluck
5. Jenn Harrison
6. John Murrell
7. John Ofsanko

² (d) As to those portions of an environmental document that a court finds to comply with CEQA, additional environmental review shall only be required as required by the court consistent with principles of res judicata. In general, the agency need not expand the scope of analysis on remand beyond that specified by the court. Refer to CEQA Guidelines § 15088.5(f)(2) and Lone Valley Land, Air, & Water Defense Alliance, LLC v. County of Amador (2019) 33 Cal.App.5th 165, 170.

8. Lauren Mobley
9. Madeleine Murrell
10. Nora Foran
11. Sierra Club of Big Bear Valley
12. Friends of Big Bear Valley
13. Mary Murrell
14. Anastasia Mazula
15. Padraic Foran
16. Sylvia Stutz
17. Joy Witte

What follows are responses to each of the above comment letters.

A handwritten signature in black ink, appearing to read "Kaitlyn Dodson-Hamilton". The signature is stylized and cursive, with a large initial "K" and "D".

Kaitlyn Dodson-Hamilton
Attachments

Comment Letter #1

From: pat foley patconnect@gmail.com
Subject: Re: Project Title: Moon Camp Project Project No.: PMISC-2020-00016
Date: March 6, 2024 at 9:07 AM
To: Morrissey , Jim Jim.Morrissey@lus.sbcounty.gov

PF

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To: Jim Morrissey, Contract Planner

Jim.Morrissey@lus.sbcounty.gov

County of San Bernardino Land Use Services Department

Planning Division

Re: Project Title: Moon Camp Project Project No.: PMISC-2020-00016

This email includes my questions and concerns regarding the Moon Camp development, being presented to the County for approval.

Question 1 - Will the project be adjusted to include some housing for the lower income population?

Affordable housing housing element p.4-85 DEIR 3. P1.2 DEIR 3. The Housing Element

1-1 Housing Element. The housing element identifies sites to facilitate and encourage housing for households of **all economic levels**, including persons with disabilities; removes governmental constraints to housing production, maintenance, and improvement as legally feasible and appropriate; assists the development of **adequate housing for low- and moderate-income households**; preserves publicly assisted multiple-family housing developments in each community; conserves and **improves conditions in existing housing and neighborhoods, including affordable housing; and, promotes a range of housing opportunities for all individual and households consistent with fair and equal housing opportunity**

There is no affordable housing as part of this project– the last thing we need in Fawnskin are more expensive homes – we already have a vast number of second homes that sit vacant for portions of the year. We do need affordable housing – there is ZERO mitigation on this issue. NONE. **Will the project be adjusted to include some housing for the lower income population?**

Question 2 – Public Easement – Access to the shoreline from the road. Will this truly be access to the shoreline from the road for the general public?

1-2 Public easement “Neighborhood Lake Access - the DEIR reports cite “Neighborhood Lake Access” but nowhere talks about a public access/easement for the general public to access the lake shore from the road. What is meant by “Neighborhood Lake Access”? My worry is that they mean only the Moon Camp Neighborhood, and are not providing for public access/easement.

Parking: and public easement – p 4-103 DEIR #3 County Policy TM-4.11 “We require publicly accessible parking areas to ensure that pedestrians and bicyclists can safely access the site and onsite businesses from the public right-of-way.” In the answer/analysis to this point, no mention is made of the public right-of-way. Will this be accessible?

1-3 **Question 3 - DWP rates – how will we have assurances that DWP will not raise the**

**RESPONSE TO COMMENT
LETTER #1
PAT FOLEY**

- 1-1 The comment asks whether the Project be adjusted to include lower income housing. The Project as proposed in the PRDEIR No. 3 will not be modified as part of the final consideration process by County decision-makers on this Project, and further, Population and Housing impacts fall outside of the narrow focus of this PRDEIR No. 3. The County does not require low-income housing to be incorporated into every housing development, and therefore the Developer is not obligated to incorporate affordable housing as part of this Project. Furthermore, as noted in the PRDEIR No. 3, in Subchapter 4.4, the Regional Housing Needs Assessment (RHNA) Allocation Plan for the County identifies that 3,770 above moderate income level housing units are needed to meet these criteria. Thus, regardless of the housing type, the proposed Project would contribute 50 units to the SCAG identified 8,832 dwelling unit deficit within the Unincorporated areas of the County at present, thus complying with the goals of the County's Housing Element.
- 1-2 The comment asks whether the Lake access from this neighborhood will be accessible to the public and cites a County parking policy. The Developer plans to enable the lake access to be public, but the parking onsite would be for residents and guests. The quote referenced in this comment references a Countywide Plan Policy related to parking areas in mobility focus areas. As the Project is a residential development project outside of a mobility focus area, and that the Project is subject to residential parking requirements that the Project design meets, there are no publicly accessible parking spaces mandated to be included as part of this Project. Nevertheless, the neighborhood lake access would be publicly accessible by pedestrians and cyclists, in addition to residents of the Project.
- 1-3 The comment asks whether the Big Bear Lake Department of Water and Power (DWP) would raise rates of customers due to the additional water required to serve this Project. DWP has autonomy in how it operates and obtains the necessary funds to operate, and therefore, has the authority to, at the direction of its Board, authorize increased rates for its rate payers, and this remains so with or without the proposed Project. Economic considerations such as the cost of the rate charged for water both fall outside of the scope of CEQA and fall outside of the County's jurisdiction, and therefore, no further response to this comment is necessary.

1-3 | **rates of customers outside of the Moon Camp development because of this extra**
cont'd | **load?**

1-4 | **Question 4 – How many trees are being cut down because of this development?**
We need the old stand trees located within the development – we need more trees,
not fewer. There is NO mitigation that will solve this except to not approve the project.

Question 5 - “Fair share costs” – why should the SBC taxpayer have to shoulder
ANY of this cost when it will be the developer who will solely benefit from the sale
of SFRs. There is no benefit to other taxpayers, only degradation of our rural setting.

1-5 | “T-2. The eastbound left turn lanes at both project access points will be constructed at
opening year at 100% 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. San Bernardino County T-3. “

1-6 | **Question 6 – How do you consider the effect to the plant life “insignificant”?** There
is no real mitigation for the ashy-grey paintbrush except to not build the houses. Setting
aside land miles away is not real mitigation.

1-7 | **Question 7 – How will you mitigate the effect on the eagles?** There is no mitigation
possible when you are having this level of activity at this site, both with increased traffic
on the roads, the parking lot and the boat slips. It doesn't matter that you are claiming to
restrict activity in privately owned homes during certain parts of the year. I have no trust
that this will truly happen.

I await your responses to these concerns and questions.

Sincerely yours,

Patricia Foley
Fawnskin, CA
patconnect@gmail.com

- 1-4 The question asks how many trees are being cut down because of the development. First, the issue of trees and tree removal falls outside of the scope of these responses to comments. As discussed in the introduction to these responses to comments, the PRDEIR No. 3 focuses solely on the topics of Biological Resources (impacts to ashy-gray Indian paintbrush and pebble plain habitat), Hazards and Hazardous Materials (wildfire evacuation), and Land Use and Planning (consistency with the San Bernardino Countywide Plan). The analysis and CEQA determinations for topics that fall outside of the narrow focus of the PRDEIR No. 3 were deemed adequate by the Court, and therefore no longer warrant discussion or consideration beyond what was presented in the July 2020 FEIR, pursuant to CEQA Statute 15234(d).

Only new comments submitted on the recirculated portions of the PRDEIR No. 3 will be considered by the County. However, the 2010 RRDEIR No. 1 indicates that based on the current Project design, about 2,095 trees would be removed to enable the development of the Project. This issue requires no further consideration herein because it was adequately addressed in the July 2020 FEIR.

- 1-5 The comment asks why the Developer should only be required to pay its fair share cost of future improvements, when it should be required to pay the full amount of the improvements to roadways and other identified fair share costs. The County assesses a fair share cost based on a given Project's calculated impact on the area circulation. The County utilizes a fair share approach to assess fees on future development, and once it deems appropriate, it allocates funds the improvements necessary to ensure adequate circulation throughout its service area. Furthermore, requiring mitigation beyond the developer's fair share is not legally permitted.³
- 1-6 The comment asks why plant life impacts are considered insignificant in relationship to impacts specific to the ashy-gray Indian paintbrush. As discussed above under Response to Comment 1-4, the plant life impacts that are analyzed in the PRDEIR No. 3 are limited to impacts to ashy-gray Indian paintbrush and pebble plain habitat. For clarification purposes, the impact determination for impacts to ashy-gray Indian paintbrush is less than significant with implementation of mitigation, not "insignificant" as this comment suggests. Overall, the PRDEIR No. 3 indicates that *"On an occurrence basis, there are approximately 5,567 occurrences of ashy-gray Indian paintbrush occurrences are located within the proposed 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 Project site"* (page 4-24). This on-site conservation of ashy-gray Indian paintbrush occurrences results in mitigation, reinforced by MM **BR-1b** for Project impacts at more than an approximately 7:1 ratio. On an acreage basis, the Project will mitigate impacts to the ashy-gray Indian paintbrush on-site at a 1.68:1 ratio. Furthermore, MM **BR-1a** establishes 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

³ The US Supreme Court has recognized constitutional limits on the extent of mitigation that can be imposed on a project to address that project's potential environmental impacts. (*Nollan v. Ca. Coastal Commission* (1987) 483 U.S. 825, *Dolan v. City of Tigard* (1994) 512 U.S. 374). These rulings identify that mitigation must have both a nexus and rough proportionality to the impact caused by the project. The California Environmental Quality Act (CEQA) incorporates these rulings and inherently recognizes that mitigation measures must have both a nexus and be rough proportional to the impacts caused by the project. (CEQA Guidelines Section 15126.4, subd. (a)(4)(A)–(B), citing *Nollan v. Ca. Coastal Commission* (1987) 483 U.S. 825, *Dolan v. City of Tigard* (1994) 512 U.S. 374.) Accordingly, a lead agency cannot legally require mitigation or conditions of approval in excess of a project's impacts.

Conservation Easement of Lot A and H. Onsite conservation of endangered and threatened species is legally recognized mitigation for project-related impacts to such species. See *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477 and CEQA Guidelines § 15370(e). Thus, as evidenced by the analysis provided in PRDEIR No. 3, the Project would not result in extirpation of the ashy-gray Indian paintbrush on the Project site; in fact, it would result in the permanent conservation of the primary areas on site that support this species.

- 1-7 The comment asks what mitigation has been considered to minimize impacts to the bald eagle. Refer to Response to Comment 1-4 above, and 2-1, below. Only new comments submitted on the recirculated portions of the PRDEIR No. 3 will be considered by the County. As an example, the comments in this comment letter pertaining to impacts on the bald eagle will not be considered in the responses to comments, because the Court determined that the impacts on bald eagle were adequately analyzed in the July 2020 FEIR. Thus, the opportunity to comment on impacts determined to be adequate by the Court that were not the aforementioned focus of the PRDEIR No. 3 has concluded.

Comment Letter #2

From: [Annie May Cron](#)
To: [Morrissey, Jim](#)
Subject: Comment against Moon Camp Project
Date: Monday, March 18, 2024 8:29:49 PM

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Dear Jim Morrissey,

2-1 I was saddened to hear that the County is considering the Moon Camp Project (*PRDEIR No. 3*) which threatens to destroy Big Bear Lake's bald eagle habitat. Jackie and Shadow have brought people together and deserve to have their habitat preserved. Last year my co-worker Jennifer and I would often spend our breaks watching the progress of their eggs. Even though they ultimately didn't hatch it meant so much to have this connection to each other and an important part of nature. It was a magical moment last month when my family went to our friends' vacation house for the weekend and we realized we were a stone's throw away from Jackie and Shadow's nest. They told us that Jackie and Shadow were at risk of losing their home and on top of that, the Ash-Gray Paintbrush/Pebble Plain that grows only in the San Bernardino mountains, specifically in this section of Fawnskin was also at risk. No project is worth decimating such a unique forest and its rare, endangered species of bald eagles and Ash-Gray Paintbrush, there are so few bastions of hope and natural beauty left. We must stand up for nature and give it a voice, or else the forest and its inhabitants will soon be gone. Jackie, Shadow, and the Ash-Gray Paintbrush deserve to thrive. Please protect these precious natural resources and reject the Moon Camp Project!

Thank you for your time!
Warmly,
Annie Cron

**RESPONSE TO COMMENT
LETTER #2
ANNIE MAY CRON**

- 2-1 This comment appears to be one of ten form comment letters, which vary slightly from one another, but convey the same message: the comment letter asks for the Project to be rejected due to impacts to “Jackie and Shadow”—local bald eagles to the Big Bear Valley area—and due to impacts to ashy-gray Indian paintbrush/pebble plain habitat. Other than general concerns regarding potentially significant impacts to ashy-gray Indian paintbrush, pebble plain, and bald eagle, including the possible extirpation of these species/habitats, the commenter does not point to a specific point in the PRDEIR No. 3 with which the commenter takes issue.

As discussed in the introduction to these responses to comments, the PRDEIR No. 3 focuses solely on the topics of Biological Resources (impacts to ashy-gray Indian paintbrush and pebble plain habitat), Hazards and Hazardous Materials (wildfire evacuation), and Land Use and Planning (consistency with the San Bernardino Countywide Plan). The analysis and CEQA determinations for topics that fall outside of the narrow focus of the PRDEIR No. 3 were deemed legally adequate by the Court, and therefore the County is not required to discuss or consider issues beyond what was presented in the July 2020 FEIR, pursuant to CEQA Statute 15234(d). Pursuant to CEQA, personal opinions expressing general support for, or opposition to the proposed project are noted and will be included within the administrative record for the proposed project, but do not require a specific written response if they do not relate to a significant environmental issue that is addressed within PRDEIR No. 3 and/or otherwise within the purview of CEQA. Likewise, opinions about the general desirability, merits, and/or purely economic, social, or political considerations of the proposed project are not within the purview of CEQA and do not require a specific written response in this RFEIR. In cases where the commenter provides an opinion and/or generalized concerns about the merits of the proposed project but does not challenge the sufficiency of PRDEIR No. 3, the County notes the opinion for informational purposes.

Only new comments on environmental issues submitted on the recirculated portions of the PRDEIR No. 3 will be considered by the County. As an example, the comments in this comment letter pertaining to impacts on the bald eagle will not be considered in the responses to comments, because the Court determined that the impacts on bald eagle were adequately analyzed in the July 2020 FEIR. Thus, the opportunity to comment on impacts determined to be adequate by the Court that were not the aforementioned focus of the PRDEIR No. 3 has concluded. The commenter’s general opposition to the project is noted.

Overall, the PRDEIR No. 3 indicates that *“On an occurrence basis, there are approximately 5,567 occurrences of ashy-gray Indian paintbrush occurrences are located within the proposed 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 Project site”* (page 4-24). This on-site conservation of ashy-gray Indian paintbrush occurrences results in mitigation, reinforced by MM **BR-1b** for Project impacts at more than an approximately 7:1 ratio. On an acreage basis, the Project will mitigate impacts to the ashy-gray Indian paintbrush on-site at a 1.68:1 ratio. Furthermore, MM **BR-1a** establishes 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 Conservation Easement of Lot A and H. Thus, as evidenced by the analysis provided in PRDEIR No. 3, the Project would not result in extirpation of the ashy-gray Indian paintbrush on the Project site; in fact, it would result in the permanent conservation of the primary areas on site that support this species.

Furthermore, the PRDEIR No. 3 determined that *“based on the findings of the 2010 Focused Special Status Plant Species Survey, no true pebble plain habitat exists on the project site, and thus, the implementation of the proposed Project will have no potential to impact pebble plain habitat, and thus would not result in a potentially significant impact and no mitigation is required”* (page 4-28). Thus, as evidenced by the analysis provided in PRDEIR No. 3, and as the Project site does not contain the two key indicator species—southern mountain buckwheat and Big Bear Valley sandwort—that are necessary for an area to be considered true pebble plain habitat, no impacts to pebble plain habitat would result from implementation of the Project.

Comment Letter #3

March 15, 2024

Dear Jim Morrison,

I just learned yesterday of a planned housing and recreational development in the Big Bear Lake and Fawnskin areas, and my hope is that this plan will be rejected. Let me explain why I believe strongly that this project should *not* be initiated.

3-1 My husband died several years ago at the age of 93. He had wonderful childhood memories of visiting the small lodge that his aunt and uncle owned in Fawnskin, but he hadn't been there since childhood. I took him up to the area about five years before he passed. Although we never found the old lodge, what we did find was a pristine treasure of what this mountain community must have been like for a hundred years or more. It is a treasure that should be safeguarded carefully. There are few places left in Southern California that have been untouched by "modern development" and should be protected for our children and grandchildren to know what the beauty of nature provided then and can provide now.

Please reject this proposal for such development cannot be reversed, the natural habitat for plant life, birds, and other animals that is their rightful home will be lost forever.

Sincerely,

Deborah Deutsch Smith

Playa del Rey, CA

**RESPONSE TO COMMENT
LETTER #3
DEBORAH DEUTSCH SMITH**

- 3-1 The comment requests that the County reject the Moon Camp Project because the site itself should be protected from “modern development.” The commenter also references that this development could result in plant life, birds, and other animals to lose their rightful home forever. The commenter does not point to a specific point in the PRDEIR No. 3 with which the commenter takes issue. The Project site has been designated by the County for the very type of development that this Project proposes. As demonstrated in Subchapter 4.4, Land Use and Planning, of PRDEIR No. 3, the Project was determined to be consistent with both the underlying land use designation and zoning classification. In Comment 12-24, the commenter alleges that the Project cannot be consistent with the Countywide Policy LU-2.3, compatibility with the natural environment, which is similar to that which this comment alleges. A Court case based in San Bernardino County—Joshua Tree Downtown Business Alliance v. County of San Bernardino is 1 Cal.App.5th 677 (2016) (Case No. E062479)—found that, because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes.⁴ In this case, the County has, in its discretion as the Lead Agency over its Countywide Plan, interpreted that the proposed Project has been designed to be compatible with the natural environment through establishment of Conservation Easements, retainment of many bald eagle perch trees, no development along the Big Bear Lake shoreline, and compliance with the VLDR land use designation. Once again, the San Bernardino Countywide Plan has designated the Project site for VLDR use, which presumes that the site may be developed under this land use designation at some point in time, and the County has judged that the proposed Development is consistent with the VLDR land use designation and the applicable General Plan policies therein.

⁴ Miller Starr Regalia, 2016. Court Rejects General Plan Consistency Challenge Regarding City’s Approval of Franchise Retail Store Where Applicable Economic Development Goals and Policies are Alleged to Favor Small, Independent Businesses. <https://www.landusedevelopments.com/2016/07/court-rejects-general-plan-consistency-challenge-regarding-citys-approval-franchise-retail-store-applicable-economic-development-goals-policies-alleged-favor-small-indep/> (Accessed 04/10/24)

Comment Letter #4

From: [Chris and Alan Gluck](#)
To: [Morrissey, Jim](#)
Subject: Moon Camp Project
Date: Tuesday, March 19, 2024 7:21:52 AM

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Dear Jim Morrissey,

4-1 I was saddened to hear that the County is considering the Moon Camp Project (*PRDEIR No. 3*) which threatens to destroy Big Bear Lake's bald eagle habitat and the Ash-Gray Paintbrush/Pebble Plain that grows only in the San Bernardino mountains, specifically in this section of Fawnskin. No development project is worth decimating such a unique forest and its rare, endangered species of bald eagles and Ash-Gray Paintbrush. We must stand up for nature and give it a voice, or else the forest and its inhabitants will soon be gone. Jackie, Shadow, and the Ash-Gray Paintbrush deserve to thrive. Please protect these precious natural resources and reject the Moon Camp Project!

Thank you for your time, Christine Gluck

Sent from my iPhone

**RESPONSE TO COMMENT
LETTER #4
CHRIS AND ALAN GLUCK**

4-1 This comment appears to be one of ten form comment letters, which vary slightly from one another, but convey the same message: the comment letter asks for the Project to be rejected due to impacts to “Jackie and Shadow”—local bald eagles to the Big Bear Valley and Moon Camp Project area—and due to impacts to ashy-gray Indian paintbrush/pebble plain habitat. Other than general concerns regarding potentially significant impacts to ashy-gray Indian paintbrush, pebble plain, and bald eagle, including the possible extirpation of these species/habitats, the commenter does not point to a specific point in the PRDEIR No. 3 with which the commenter takes issue.

Responses to this comment can be found under Response to Comment #2 (2-1), which addresses the concerns raised in this comment, completely.

Comment Letter #5

From: [Jenn Harrison](#)
To: [Morrissey, Jim](#)
Subject: Reject the Moon Camp Project -- PRDEIR No. 3 is Insufficient -- Save Bald Eagles and Ash-Gray Paintbrush
Date: Monday, March 18, 2024 1:23:55 PM

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Dear Jim Morrissey,

5-1

I was saddened to hear that the County is considering the Moon Camp Project (*PRDEIR No. 3*) which threatens to destroy Big Bear Lake's bald eagle habitat and the Ash-Gray Paintbrush/Pebble Plain that grows only in the San Bernardino mountains, specifically in this section of Fawnskin. No development project is worth decimating such a unique forest and its rare, endangered species of bald eagles and Ash-Gray Paintbrush. We must stand up for nature and give it a voice, or else the forest and its inhabitants will soon be gone. Jackie, Shadow, and the Ash-Gray Paintbrush deserve to thrive. Please protect these precious natural resources and reject the Moon Camp Project!

Thank you for your time,
Jenn Harrison

JENN HARRISON
COMPASS
REALTOR® | LIC #01439097
PH (213) 842-4285
EM Jenn@jennharrison.com
IG [ShutTheFrontDoorLA](#)

**RESPONSE TO COMMENT
LETTER #5
JENN HARRISON**

5-1 This comment appears to be one of ten form comment letters, which vary slightly from one another, but convey the same message: the comment letter asks for the Project to be rejected due to impacts to “Jackie and Shadow”—local bald eagles to the Big Bear Valley and Moon Camp Project area—and due to impacts to ashy-gray Indian paintbrush/pebble plain habitat. Other than general concerns regarding potentially significant impacts to ashy-gray Indian paintbrush, pebble plain, and bald eagle, including the possible extirpation of these species/habitats, the commenter does not point to a specific point in the PRDEIR No. 3 with which the commenter takes issue.

Responses to this comment can be found under Response to Comment #2 (2-1), which addresses the concerns raised in this comment, completely.

Comment Letter #6

From: [John Murrell](#)
To: [Morrissey, Jim](#)
Subject: Reject the Moon Camp Project
Date: Sunday, March 17, 2024 2:11:28 PM

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- 6-1 | The proposed Moon Camp Project (PRDEIR 3) should be rejected. First, it threatens the Bald eagles whose habitat is where the project will be made. These beautiful birds are endangered & already having difficulty having offspring. Second, the Ash-Gray Paintbrush plant is also
- 6-2 | threatened since it mainly grows in the area of the proposed Project. Third, a big development doesn't seem to fit this quaint, laid back, rustic, beautiful place called Big Bear & Fawnskin.
- 6-3 | Please say No to this project. Leave Mother Nature alone & preserve the specialness of this area.

Respectfully, John Murrell

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**RESPONSE TO COMMENT
LETTER #6
JOHN MURRELL**

- 6-1 The comment alleges that the Project should be rejected because it threatens bald eagles. Other than general concerns regarding potentially significant impacts to bald eagle, including the possible extirpation of these species/habitats, the commenter does not point to a specific point in the PRDEIR No. 3 with which the commenter takes issue.

As discussed in the introduction to these responses to comments, and under Response to Comment 2-1, the PRDEIR No. 3 focuses solely on the topics of Biological Resources (impacts to ashy-gray Indian paintbrush and pebble plain habitat), Hazards and Hazardous Materials (wildfire evacuation), and Land Use and Planning (consistency with the San Bernardino Countywide Plan). The analysis and CEQA determinations for topics that fall outside of the narrow focus of the PRDEIR No. 3 were deemed adequate by the Court, and therefore the County is not required to discuss or consider issues beyond what was presented in the July 2020 FEIR, pursuant to CEQA Statute 15234(d).

Only new comments submitted on the recirculated portions of the PRDEIR No. 3 will be considered by the County. As an example, the comments in this comment letter pertaining to impacts on the bald eagle will not be considered in the responses to comments, because the Court determined that the impacts on bald eagle were adequately analyzed in the July 2020 FEIR. Thus, the opportunity to comment on impacts determined to be adequate by the Court that were not the aforementioned focus of the PRDEIR No. 3 has concluded.

- 6-2 This comment makes a statement that the ashy-gray Indian paintbrush is threatened and mainly grows within the area in which the Project is proposed. There are a number of places within the Project area that are assumed to support this species, as shown on Figure 1 extracted from the USFWS Five Year Review⁴ dated August 18, 2021, shown below, the Project area is demonstrably not the only area that supports ashy-gray Indian paintbrush. As no deficiencies in the analysis presented in the PRDEIR No. 3 have been identified in this comment, no further response is necessary.

⁴ USFWS, 2021. 5 Year Review *Castilleja cinerea* (Ash-gray paintbrush).
https://ecos.fws.gov/docs/tess/species_nonpublish/3393.pdf (accessed 04/08/24)

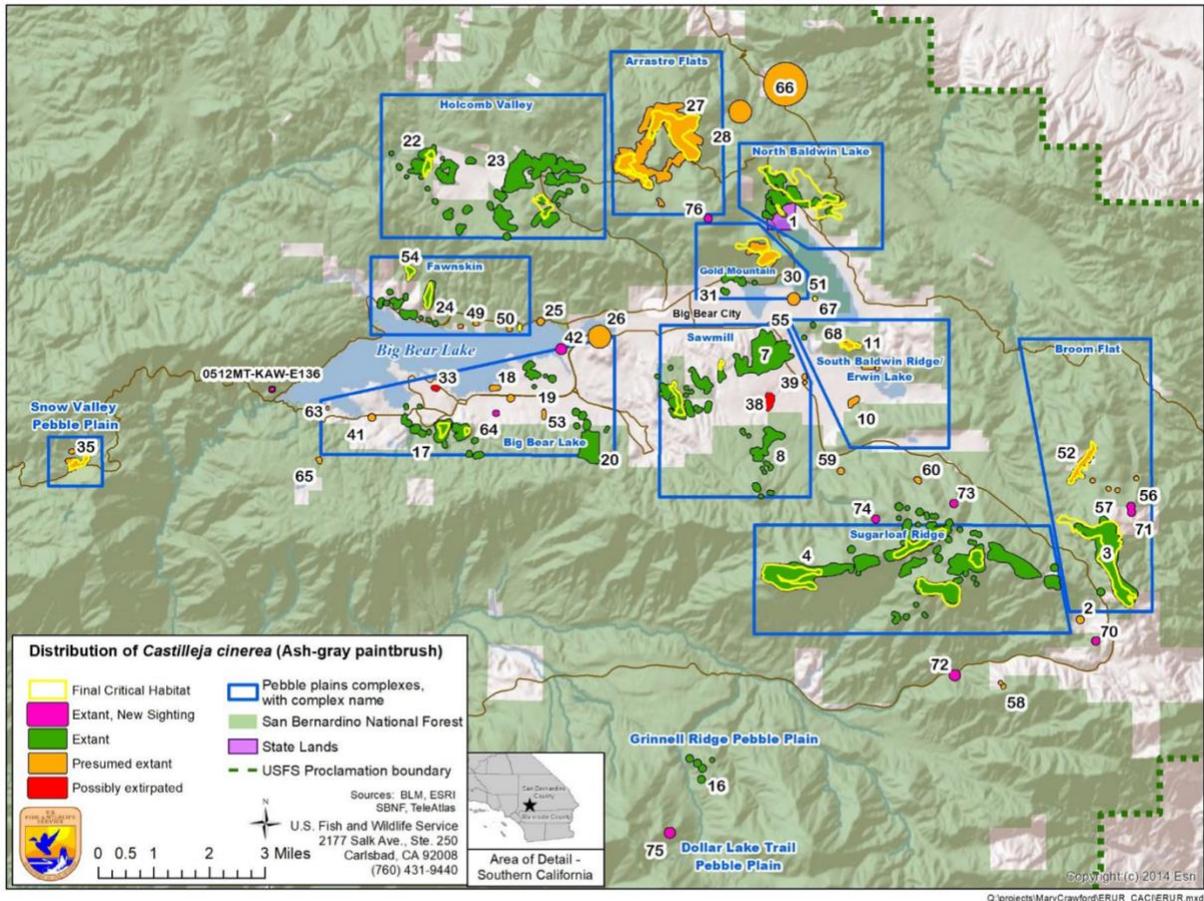


Figure 1. Map of *Castilleja cinerea* occurrences, showing occurrence status and identifying whether the occurrence is new since the 2013 5-year review. The numerical label indicates the CNDDDB EO number or USFS site ID number.

6-3 The comment conveys that the commenter does not perceive the Project as aligning with the prevailing characteristics of the Project area and requests that the Project be rejected by the County decision-makers. Please refer to Response to Comment 7-1, below, which states that, as discussed on page 4-95 of the PRDEIR No. 3, the County determined that *“The proposed Project would be consistent with the community identity of the Mountain Communities as described in Table LU-3.⁵ As discussed previously, the proposed Project would be consistent with the VLDR designation and, therefore, would be consistent with the rural lifestyle of the Fawnskin community. The proposed Project would implement MMs A-4a through A-4f, which are intended to reduce long term light and glare impacts from the proposed Project. This, when combined with the up to 9.2 acres of Conservation Easements established on site, would contribute to the open spaces, natural features, and dark skies ascribed to the Mountain Communities Community Character. Based on these*

⁵ The goals listed in this Table are as follows:

- A rural lifestyle characterized by low density neighborhoods oriented around commercial or recreational nodes, and the prevalence of the forest and mountain landscapes and natural resources.
- Abundant views of open spaces, natural features, and dark skies.
- Scenic, natural, and recreational features that serve as the foundation of the community's local economy and attract tourists.
- Small businesses that serve local residents and visitors, compatible with the natural environment and surrounding uses.

findings, the implementation of the Moon Camp Project would be consistent with Policy LU-4.5.” As such, the PRDEIR No. 3 determined that the character of the Project would be consistent with the community identity of the Mountain Communities, which includes Fawnskin, and which were identified through a collaborative effort with area residents. The commenter’s opinions are noted, and will be made available to the County decision-makers as part of the RFEIR package prior to a decision on the proposed Project.

Comment Letter #7

From: [John Ofsanko](#)
To: [Morrissey, Jim](#)
Cc: [Nora Foran - Pac Pal](#)
Subject: Big Bear development project
Date: Thursday, March 14, 2024 8:03:11 PM

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Greetings ,

I'd like to be counted in with the others that wish to stop this project.
Like most projects there are for and against ideas.
But, this is Big Bear Lake. It is not LA or West LA or the valley or Santa Monica.

This project will not benefit the many who visit and live in this area.
It's a project that will only serve a few and alienate many - forever.
There is plant life that is ONLY found in the proposed project area. Doesn't that matter !
Plus those eagles will not stay or remain . They may even die there.
A project like this disrupts the area and when completed ; the project is left for the few . Not the community .

7-1 Big Bear and Lake Arrowhead is the only areas that we have enjoyed for decades as it is and has been a serene environment that is a country peaceful location.

Why destroy all that has been given us all these years to enjoy and have our children enjoy.
The project doesn't support anything in this serene vacation area . The projects pollutes, disrupts, destroys natural elements and the natural wildlife and pristine environment will forever be removed.

There is not a upside to this project for the Big Bear area. The impact is a selfish way to merely add a developer etc. to make money while destroying our local Big Bear way of life.
Don't let this project move forward .

Do a project somewhere else - like in LA where you can help low income families etc. Do the right thing !

Sincerely,
John Ofsanko
Mobile : 310 926 8725

**RESPONSE TO COMMENT
LETTER #7
JOHN OFSANKO**

- 7-1 The comment conveys that the commenter is against the Project, and lists several specific reasons for that position including the following:
- The Project will not benefit many who visit and live in the area. This comment does not raise a substantive environmental issue with the adequacy of the analysis included in the PRDEIR.No.3
 - Response: According to the Statement of Overriding Considerations that was prepared for the Project in 2020, the following represent benefits to those who visit and live in the area:
 - The proposed Project provides 50 single-family housing units in the community of Fawnskin. The proposed Project fulfills the Bear Valley Community Plan's Housing Element's fundamental goal of providing a wide variety of housing opportunities to meet the needs of all economic segments of 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 Plan, the local economy is driven by recreation and tourism. 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 proposed Project will result in increased revenue to the community as a result of property taxes and development impact fees generated by the proposed residential development. The increase in revenue will be utilized to provide enhanced public services. Furthermore, County decisionmakers will consider whether to adopt a Statement of Overriding Considerations for the proposed Project in accordance with CEQA Guidelines Section 15093.
 - The plant life only occurs in the Project area that would be impacted.
 - Response: Please refer to Response to Comment Letter #2 (2-1) which describes that the focus of the PRDEIR No. 3 is to focus solely on the topics of Biological Resources (impacts to ashy-gray Indian paintbrush and pebble plain habitat), amongst others, including Hazards and Hazardous Materials (wildfire evacuation), and Land Use and Planning (consistency with the San Bernardino Countywide Plan). The analysis and CEQA determinations for topics that fall outside of the narrow focus of the PRDEIR No. 3 were deemed adequate by the Court, and therefore no longer warrant discussion or consideration beyond what was presented in the July 2020 FEIR, pursuant to CEQA Statute 15234(d). As discussed under Responses to Comments 2-1 and 6-2, as evidenced by the analysis provided in PRDEIR No. 3, the Project would not result in extirpation of the ashy-gray Indian paintbrush on the Project site; in fact, it would result in the permanent conservation of the primary areas on site that support this species. Furthermore, as evidenced by the analysis provided in PRDEIR No. 3, and as the

Project site does not contain the two key indicator species—southern mountain buckwheat and Big Bear Valley sandwort—that are necessary for an area to be considered true pebble plain habitat, no impacts to pebble plain habitat would result from implementation of the Project.

- Bald eagle may be extirpated as a result of Project implementation.
 - Response: Only new comments submitted on the recirculated portions of the PRDEIR No. 3 will be considered by the County. As an example, the comments in this comment letter pertaining to impacts on the bald eagle will not be considered in the responses to comments, because the Court determined that the impacts on bald eagle were adequately analyzed in the July 2020 FEIR. Thus, the opportunity to comment on impacts determined to be adequate by the Court that were not the aforementioned focus of the PRDEIR No. 3 has concluded.
- The Project will destroy the character of the Project area and destroy the way of life for area residents.
 - Response: As discussed on page 4-95 of the PRDEIR No. 3, the County determined that *“The proposed Project would be consistent with the community identity of the Mountain Communities as described in Table LU-3.⁶ As discussed previously, the proposed Project would be consistent with the VLDR designation and, therefore, would be consistent with the rural lifestyle of the Fawnskin community. The proposed Project would implement MMs A-4a through A-4f, which are intended to reduce long term light and glare impacts from the proposed Project. This, when combined with the up to 9.2 acres of Conservation Easements established on site, would contribute to the open spaces, natural features, and dark skies ascribed to the Mountain Communities Community Character. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy LU-4.5.”* As such, the PRDEIR No. 3 determined that the character of the Project would be consistent with the community identity of the Mountain Communities, which includes Fawnskin, and which were identified through a collaborative effort with area residents. The commenter’s opinions are noted, and will be made available to the County decision-makers as part of the RFEIR package prior to a decision on the proposed Project.

⁶ The goals listed in this Table are as follows:

- A rural lifestyle characterized by low density neighborhoods oriented around commercial or recreational nodes, and the prevalence of the forest and mountain landscapes and natural resources.
- Abundant views of open spaces, natural features, and dark skies.
- Scenic, natural, and recreational features that serve as the foundation of the community’s local economy and attract tourists.
- Small businesses that serve local residents and visitors, compatible with the natural environment and surrounding uses.

Comment Letter #8

From: [Lauren Mobley](#)
To: [Morrissey, Jim](#)
Subject: Reject the Moon Camp Project
Date: Thursday, March 14, 2024 5:11:48 PM

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Dear Jim Morrissey,

8-1

I was saddened to hear that the County is considering the Moon Camp Project (*PRDEIR No. 3*) which threatens to destroy Big Bear Lake's bald eagle habitat and the Ash-Gray Paintbrush/Pebble Plain that grows only in the San Bernardino mountains, specifically in this section of Fawnskin. No development project is worth decimating such a unique forest and its rare, endangered species of bald eagles and Ash-Gray Paintbrush. We must stand up for nature and give it a voice, or else the forest and its inhabitants will soon be gone. Jackie, Shadow, and the Ash-Gray Paintbrush deserve to thrive. Please protect these precious natural resources and reject the Moon Camp Project!

I would imagine that there has been an outpouring of interest in protecting the bald eagle population in Big Bear after Jackie's 3 eggs failed to hatch this week, and the idea that they would be further encroached upon for the sake of a vast and disruptive real estate development is a disgrace.

Thank you for your time,
Lauren Mobley

**RESPONSE TO COMMENT
LETTER #8
LAUREN MOBLEY**

- 8-1 This comment appears to be one of ten form comment letters, which vary slightly from one another, but convey the same message: the comment letter asks for the Project to be rejected due to impacts to “Jackie and Shadow”—local bald eagles to the Big Bear Valley and Moon Camp Project area—and due to impacts to ashy-gray Indian paintbrush/pebble plain habitat. Other than general concerns regarding potentially significant impacts to ashy-gray Indian paintbrush, pebble plain, and bald eagle, including the possible extirpation of these species/habitats, the commenter does not point to a specific point in the PRDEIR No. 3 with which the commenter takes issue.

Responses to this comment can be found under Response to Comment #2 (2-1), which addresses the concerns raised in this comment, completely.

Comment Letter #9

From: [Madeleine Murrell](#)
To: [Morrissey, Jim](#)
Subject: Please Help Save the Bald Eagles of Big Bear
Date: Sunday, March 17, 2024 12:49:27 PM

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Dear Jim Morrissey,

9-1

I was saddened to hear that the County is considering the Moon Camp Project (*PRDEIR No. 3*) which threatens to destroy Big Bear Lake's bald eagle habitat and the Ash-Gray Paintbrush/Pebble Plain that grows only in the San Bernardino mountains, specifically in this section of Fawnskin. No development project is worth decimating such a unique forest and its rare, endangered species of bald eagles and Ash-Gray Paintbrush. We must stand up for nature and give it a voice, or else the forest and its inhabitants will soon be gone. Jackie, Shadow, and the Ash-Gray Paintbrush deserve to thrive. Please protect these precious natural resources and reject the Moon Camp Project!

Thank you for your time,
Madeleine Murrell

**RESPONSE TO COMMENT
LETTER #9
MADELEINE MURRELL**

- 9-1 This comment appears to be one of ten form comment letters, which vary slightly from one another, but convey the same message: the comment letter asks for the Project to be rejected due to impacts to “Jackie and Shadow”—local bald eagles to the Big Bear Valley and Moon Camp Project area—and due to impacts to ashy-gray Indian paintbrush/pebble plain habitat. Other than general concerns regarding potentially significant impacts to ashy-gray Indian paintbrush, pebble plain, and bald eagle, including the possible extirpation of these species/habitats, the commenter does not point to a specific point in the PRDEIR No. 3 with which the commenter takes issue.

Responses to this comment can be found under Response to Comment #2 (2-1), which addresses the concerns raised in this comment, completely.

Comment Letter #10

From: Nora Foran noraforan@gmail.com 
Subject: Reject the Moon Camp Project -- PRDEIR No. 3 is Insufficient -- Save Bald Eagles and Ash-Gray Paintbrush
Date: March 18, 2024 at 11:15 AM
To: Morrissey, Jim Jim.Morrissey@lus.sbcounty.gov
Cc: Valdez, Steven Steven.Valdez@lus.sbcounty.gov, Marquez, Nichollette Nichollette.Marquez@lus.sbcounty.gov

NF

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Dear Jim Morrissey,

Thank you for the opportunity to respond to the PRDEIR No. 3 for the Moon Camp Project. As a Fawnskin homeowner, I hope that my comments and the comments of others will help to warn this Committee of the grave dangers that this project poses to the local habitat, community, and economy.

10-1 Before I begin, I wanted to mention that I am not against development. Development can be wonderful for a community, its residents, and the economy. But in this special case, the proposed development would destroy and displace a thriving forest that is home to rare and endangered species -- namely, bald eagles and Ash-Gray Paintbrush. I fear that not only would these species be wiped out or driven away, but the local economy could also suffer. Please let me explain.

10-2 Tens of thousands of people from across the nation watch Jackie and Shadow, the famous bald eagles of Big Bear Lake, every day. Their extraordinary story and video adds to Big Bear's tourism and growing economy. The Moon Camp Project's 50 housing lots, marina parking lot, and 55-marina boat slip are in the **exact** area where these bald eagles perch on trees to scout for food and hunt for fish and duck in the lake. Even in the Moon Camp Project's own map, it shows the placement of its new road being built next to the Bald Eagle's perches. (Please see my notes below on 1) Bald Eagles.) If this project is allowed to move forward, I fear for the health and safety of these precious and endangered animals -- and I know that thousands of others do, too.

10-3 Protecting the rare Ash-Gray Paintbrush plant, existing nowhere else on Earth but the San Bernardino mountains (and specifically in the Moon Camp Project's proposed area in Fawnskin), is another, independent reason to reject this project. The PRDEIR No. 3 not only seems to have the map of Ash-Gray Paintbrush drawn insufficiently (corroborated by the *U.S. Fish and Wildlife Service's* 2021 review and map I site below), but even in the Moon Camp Project's own map, they still list numbered lots -- meant for housing -- directly on the Ash-Gray Paintbrush areas. This proves that the small "conservation area" they include is just a small consolation in order to build as much as they can elsewhere, even if that means building on top of other Ash-Gray Paintbrush areas. (Please see my notes below on 2) Ash-Gray Paintbrush.)

10-4 Finally, apart from the most obvious, grave concerns above regarding the Moon Camp Project, I've listed other important concerns about the PRDEIR No.3 proposal, should it move forward. These include light pollution, fencing, fire/natural hazards safety, construction phase, and human behavior. (Please see my notes on 3) Project Concerns.)

1) Bald Eagles:

- 10-5
- Perch Locations: *Insufficiently Listed on the PRDEIR No. 3 Map*
 - I've seen bald eagles perched on treetops in three locations within the MCP's proposed boundaries: One location is listed correctly on the current MCP map, and two locations are not listed at all. Please see "Bald Eagle Perch -- Not Listed".
 - Please also see "Bald Eagle photo" of a bald eagle in the MCP proposed area (my photo from November 11, 2022).
 - Danger of Electrical Wires:
 - With MCP's 50 proposed lots for houses and street lighting, there would be electrical wiring connecting everything. Not only does this add to potential fire risk, but electrical wires can kill bald eagles.
 - Please see highlighted section, attached: "Electrocution and Collision at Power Lines," a snapshot from Wildlife.CA.gov.
 - Fishing Area:
 - I've seen bald eagles dive to the water's surface to fish in the area where the MCP proposes to locate its marina, and the dock can be active with motorized boats from from April 1-Nov 30. How can the bald eagles continue to fish there when boats are moving and motors are on? Don't the eagles need to fish all year round, during all their phases of nesting and breeding, ect, much of which is during April 1-Nov 30 timeframe?

**RESPONSE TO COMMENT
LETTER #10
NORA FORAN**

- 10-1 The comment conveys concern for the development of this Project, but notes that the commenter is not inherently against development. This comment does not raise a substantive concern regarding the legal adequacy of the PRDEIR No. 3. The comment is noted, and will be made available to the County decision-makers as part of the RFEIR package prior to a decision on the proposed Project.
- 10-2 The comment conveys concern for the local bald eagle population, Jackie and Shadow, if the Project moves forward and is developed. As discussed in the introduction to these responses to comments, and under Response to Comment 2-1, the PRDEIR No. 3 focuses solely on the topics of Biological Resources (impacts to ashy-gray Indian paintbrush and pebble plain habitat), Hazards and Hazardous Materials (wildfire evacuation), and Land Use and Planning (consistency with the San Bernardino Countywide Plan). The analysis and CEQA determinations for topics that fall outside of the narrow focus of the PRDEIR No. 3 were deemed adequate by the Court, and therefore no longer warrant discussion or consideration beyond what was presented in the July 2020 FEIR, pursuant to CEQA Statute 15234(d).

Only new comments submitted on the recirculated portions of the PRDEIR No. 3 will be considered by the County. As an example, the comments in this comment letter pertaining to impacts on the bald eagle will not be addressed further in the responses to comments, because the Court determined that the impacts on bald eagle were adequately analyzed in the July 2020 FEIR. Thus, the opportunity to comment on impacts determined to be adequate by the Court that were not the aforementioned focus of the PRDEIR No. 3 has concluded.

- 10-3 The comment alleges that the map of the ashy-gray Indian paintbrush within the Project site is incorrect, and that the inclusion of housing over areas that contain ashy-gray Indian paintbrush results in an inherent significant impact on this species. First, the 2021 USFWS 5-Year Review Map (Figure 1, which is referenced under Response to Comment 6-2, above) referenced in this comment should be viewed as an overview of the general areas in which this species is known to occur. Over the 20 year life of this Project, the surveys have been refined, conducted at multiple intervals, and have ultimately confirmed the presence of the species in the areas shown on Figures 1-5 and 4.2-2, and detailed in Table 4.2-3, which summarizes the occurrence of ashy-gray Indian paintbrush on the Project site. Previous studies of the floristic inventory and habitat characterization of the Project site were conducted by Dr. Timothy Krantz in 2008, 2010, and 2016. When compared to the USFWS 5-Year Review, the Project level surveys capture a more accurate accounting for this species within this specific Project site. Furthermore, as stated in Dr. Timothy Krantz's 2016 survey report (Appendix 7), *"The distributions and abundance of the ashy-gray Indian paintbrush have not changed significantly since the 2010 report was submitted. In fact, the ashy-gray Indian paintbrush is a plant species that is least likely to show year-to-year annual changes in distribution because it is a perennial hemi-parasite on its host plants. That is, ashy-gray Indian paintbrush is a partial parasite, deriving a portion of its nutrients from its hosts via haustoria on its roots. In the case of the Moon Camp population, ashy-gray Indian paintbrush is associated with the Wright's matting buckwheat, Eriogonum wrightii ssp. subscaposum. Both plants are relatively long-*

lived perennials, on the order of 10-20 years or more, and are, thus, not disposed to much annual variation in overall distribution.” Thus, the distribution of the species presented in PRDEIR No. 3 and the numerous studies that preceded it, reflect an accurate accounting of the species within the Project site.

The comment also alleges that the development of housing over the areas containing this species automatically constitute a significant impact on the species. As detailed in Subchapter 4.2 of the PRDEIR No. 3, MM **BR-1b** would provide protection in perpetuity for 88% of the ashy-gray Indian paintbrush population on the Project site to mitigate for potential impacts to the remaining 12% of the on-site population. This on-site conservation of ashy-gray Indian paintbrush occurrences results in mitigation, reinforced by MM **BR-1b** for Project impacts at more than an approximately 7:1 ratio. On an acreage basis, the Project will mitigate impacts to the ashy-gray Indian paintbrush on-site at a 1.68:1 ratio.

As stated on page 4-26 of PRDEIR No. 3:

*“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 an additional 127 occurrences of ashy-gray Indian paintbrush, which would provide further protections to the species in place, potentially enabling the continued proliferation of the species within the Moon Camp Project site. This would be implemented as a requirement of MM **BR-1d**, which has been expanded since the certification of the 2020 FEIR. MM **BR-1d** requires the construction within Lots 1, 4, 47, 48, 49, and 50 to be restricted by means of building envelopes or building setback lines to prevent construction in the occupied ashy-gray Indian paintbrush habitat, wherever feasible. Once the Moon Camp Project is developed, the developer cannot control the actions of private home owners on private land, thus, though MM **BR-1d** would protect ashy-gray Indian paintbrush for the duration of construction, preservation of the species during occupation of the future residences cannot be guaranteed. However, given that the proposed Moon Camp Project would include the creation of a Homeowner’s Association (HOA), the provisions of MM **BR-1c** have been modified to ensure that education of future homeowners of Lots 1, 4, 47, 48, 49, and 50 is provided to spread awareness of the importance of retaining this species in its natural state on site. MM **BR-1c** also sets forth a number of actions that would ensure the permanent preservation of the Conservation Areas to be established on site. Where homeowners do not wish to retain the areas of their properties containing the ashy-gray Indian paintbrush, the seed collection that shall take place during construction would suffice to ensure conservation and preserve genetic diversity in the species.”*

The 2021 USFWS 5-Year Review, as well as the 2023 Memo prepared by Daniel Smith and provided as Appendix 9, indicate that the Project applicant should consider coordinating with an organization, such as the California Botanic Garden, to salvage ashy-gray Indian paintbrush seed prior to any Project related impacts to this species. This is because seed collections allow for genetic conservation of the species and help develop propagation protocols for the species, thereby preserving its existence outside of known occurrences, as documented in the USFWS 5-Year Review for the species. The USFWS has requested ashy-gray Indian paintbrush seed collection in the past and thus, seed collection would provide an additional valuable conservation measure to further protect the ashy-gray Indian paintbrush species as part of the Moon Camp Project. MM **BR-1a** establishes the seed collection that would take place prior to construction within Lots 1, 4, 47, 48, 49, and 50. Thus, as described in the PRDEIR No. 3, the above-described

implementation of mitigation measures would facilitate not only protection of the species in place on site totaling at least 88% of on-site occurrences, but would also preserve the existence of the species through genetic conservation by way of a seed collection. Thus, the impacts to ashy-gray Indian paintbrush would be fully mitigated through adherence to the provisions of the USFWS recommendations for conservation and protection of the species, thereby impacts to ashy-gray Indian paintbrush are collectively concluded to be less than significant.

- 10-4 The comment outlines a number of other concerns, including light pollution, fencing, hazards, construction phase, and human behavior, which the commenter details further under comments 10-9 through 10-12. These concerns are responded to under the individual Responses to Comments 10-9 through 10-12 below. The comment is noted and will be made available to the County decision-makers as part of the RFEIR package prior to a decision on the proposed Project.
- 10-5 This comment details the commenters' specific concerns related to bald eagle, as stated previously, and specifically under Response to Comment 10-2, only new comments submitted on the recirculated portions of the PRDEIR No. 3 will be considered by the County. As an example, the comments in this comment letter pertaining to impacts on the bald eagle will not be addressed further in the responses to comments, because the Court determined that the impacts on bald eagle were adequately analyzed in the July 2020 FEIR. Thus, the opportunity to comment on impacts determined to be adequate by the Court that were not the aforementioned focus of the PRDEIR No. 3 has concluded.

This comment also suggests that the project would include electrical wires that would add to potential fire risk. As noted in the PRDEIR No. 3, the structures within the Project site would conform to the ignition resistant building codes codified in Chapter 7A of the California Building Code. The comment does not identify any specific issues related to electrical wires and fire risks that require a more specific response.

10-5
cont'd

- In Full-View of Bald Eagle Nest:
 - The MCP's proposed location is in full view of the Bald Eagle nest of Jackie and Shadow.
 - Please see "Full-View of Bald Eagle Nest", from [fws.gov](https://www.fws.gov) (U.S. Fish & Wildlife Service)
 - Please see photo of "Jackie and Shadow in their Nest". It shows how the MCP's proposed area (in red) is in full view of their nest.

2) Ash-Gray Paintbrush:

10-6

- Ash-Gray Paintbrush Locations: *Insufficiently Identified on the PRDEIR No. 3 Map*
 - In its 2021 five-year review of Ash-Gray Paintbrush, U.S. Fish and Wildlife Service published a map showing this rare plant in the location of the Moon Camp Project. See https://ecos.fws.gov/docs/tess/species_nonpublish/3393.pdf (also attached below). According to U.S. Fish and Wildlife, the area containing Ash-Gray Paintbrush *far exceeds* the area that developers identified in the Moon Camp Project map. In fact, according to U.S. Fish and Wildlife's maps, almost the entire proposed area of the Moon Camp Project is Ash-Gray Paintbrush habitat. (Please also see attached "U.S. Fish and Wildlife Maps" that show the location of Ash-Gray paintbrush). Note that this U.S. Fish and Wildlife's 2013 map shows similar coverage. https://esadocs.defenders-cci.org/ESAdocs/five_year_review/doc4138.pdf.

10-7

- As the USFWS's 2021 and 2013 reports show, the federal government has long recognized this area as home to this rare species. The USFWS's five-year summaries describe in detail how sensitive and rare Ash-Gray Paintbrush is, how this area of Fawnskin has Ash-Gray paintbrush in the same locations I describe above, and how human activity and construction (including the Moon Camp Project, which they mention specifically) can destroy its existence.

10-8

- Lots and a Road through Ash-Gray Paintbrush:
 - I see the Moon Camp Project has a conservation area for Ash-Gray Paintbrush. However, it still proposes that there would be several lots with a large amount of Ash-Gray Paintbrush, such as Lots: 1, 2, 3, 4, 5, 50, 49, 48, 47. How can houses, a road, driveways, fencing, electrical, plumbing, and sewers be allowed to take over this area with Ash-Gray Paintbrush?
 - If even *more* lots have Ash-Gray Paintbrush (as the USFWS five-year summaries show), how can *any* houses, road, driveways, fencing, electrical, plumbing, and sewers be allowed?
 - Won't the construction equipment alone kill this rare plant? To say nothing of the human and pet activity that would occur once people move in.

3) Project Concerns:

10-9

- Construction Phase:
 - Trees will be cut down to build houses. Ground will be torn up to provide for plumbing, sewer pipes, and electrical wires, killing Ash-Gray Paintbrush. Electrical wires can kill bald eagles and of course create more fire risk in the area, as well. The noise from all this construction will drive animals away, including bald eagles.

10-10

- Fencing:
 - MCP's plan involves fencing off the 50 lots and the entire MCP project. How are endangered, threatened, and rare animals supposed to hunt, nest, and care for their young when the open forest has been replaced by 50 fenced-in backyards and entire forested area? Doesn't the biodiversity of a forest help it thrive? All fencing will do is further interfere with their habitat.

10-11

- Light Pollution at Night:
 - The MCP proposes that lights on the houses and street posts on the road will cast light downwards. Currently, the forest is completely dark at night, and that's what animals and plants need to thrive and stay in that location. If you replace a forest with a neighborhood of houses and a road full of street lights (whether the lights are cast down or not), that will further disrupt the rare and endangered animals, further shrinking their habitat.
 - Currently, the only lights you see are the lights across the lake and the moon. Everything else is pitch black. (Please see "Nighttime" (photo taken Feb 25, 2024).

10-12

- Human behavior and pets:
 - The Moon Camp Project has no control over pets or human behavior once the lots are sold and built into houses. The noise disturbances, the light pollution at night, the cars driving on the road, the pets that dig up Ash-Gray Paintbrush in their own backyards and scare forest animals away -- all of this and more will drive bald eagles away and destroy the Ash-Gray Paintbrush. This will destroy the rare unspoiled woodland that makes this place so special.

10-13

Thank you. I really appreciate your time in reviewing this letter. Please let me know if there's any more information I can provide to help evaluate the serious environmental and other dangers that this project poses.

Thank you

- 10-6 This comment alleges that the extent of ashy-gray Indian paintbrush is incorrectly identified in the PRDEIR No. 3. As discussed under Response to Comment 10-3, the 2021 USFWS 5-Year Review Map (Figure 1, which is referenced under Response to Comment 6-2, above) and the 2013 map referenced in this comment should be viewed as an overview of the general areas in which this species is known or suspected to occur. Over the 20 year life of this Project, the surveys, based on onsite visual observations, have been refined, conducted at multiple intervals, and have ultimately confirmed the presence of the species in the areas shown on Figures 1-5 and 4.2-2, and detailed in Table 4.2-3, which summarizes the occurrence of ashy-gray Indian paintbrush on the Project site. The USFWS 5-Year Review presents a high-level overview of the known or suspected areas for the species to occur, while the previous studies of the floristic inventory and habitat characterization of the Project site that were conducted by Dr. Timothy Krantz in 2008, 2010, and 2016 capture a more accurate accounting for this species within this specific Project site. Refer to Response to Comment 10-3.
- 10-7 This comment focuses on the USFWS 5-Year Review recognition of the Project area as hosting ashy gray Indian paintbrush, and lists the means by which the species is threatened, as detailed by the USFWS 5-Year Review. As detailed throughout these Responses to Comments, the Project would provide protection in perpetuity for 88% of the ashy-gray Indian paintbrush population on the Project site to mitigate for potential impacts to the remaining 12% of the on-site population. This on-site conservation of ashy-gray Indian paintbrush occurrences results in mitigation, reinforced by MM **BR-1b** for Project impacts at more than an approximately 7:1 ratio. On an acreage basis, the Project will mitigate impacts to the ashy-gray Indian paintbrush on-site at a 1.68:1 ratio. However, as discussed under Response to Comment 10-3, the PRDEIR No. 3 considered the recommendations outlined in the USFWS 5-Year Review to reduce threats to ashy-gray Indian paintbrush (refer to page 16 of the 2021 USFWS 5-Year Review, as well as the analysis presented on pages 4-26 and 4-27 of the PRDEIR No. 3).

The PRDEIR No. 3 states the following regarding how the recommendations in the USFWS 5-Year Review were utilized to create mitigation that would further protect the species as part of Project implementation (PRDEIR No. 3 page 4-27):

“In regards to recommendation 1, above, the existing Moon Camp Project site is presently vacant, and while it is private land, exclusion of OHV use of the site is not easily controlled, and is, therefore, difficult to enforce beyond maintaining exclusionary fencing along the highway preventing access to the Project site. The development of the Moon Camp Project would conserve up to 9.2-acres of the 62.43-acre Project site, and the development itself, when combined with the conservation proposed by the Project, would ensure that OHV use within the conservation areas of the site is prohibited in the future. Thus, the Moon Camp Project would further the USFWS 5-Year Review recommendations pertaining to OHV use impacts on ashy-gray Indian paintbrush.

*In regards to recommendation 2, above, the proposed Moon Camp Project has incorporated Conservation Easements covering 88 percent of the ashy-gray Indian paintbrush that occupy the site. Thus, as a private land development, the Moon Camp Project, through site design and implementation of MMs **BR-1b** and **BR-1c**, would establish and ensure the permanent preservation of on-site Conservation Easements that would protect this species in perpetuity.*

*In regards to recommendation 3, above, the 2023 Memo prepared by Daniel Smith recommended that, based on feedback from the USFWS regarding mitigation impacts to ashy-gray Indian paintbrush, the Project applicant should consider coordinating with an organization, such as the California Botanic Garden, to salvage ashy-gray Indian paintbrush seed prior to any Project related impacts to this species. This is because seed collections allow for genetic conservation of the species and help develop propagation protocols for the species, thereby preserving its existence outside of known occurrences, as documented in the USFWS 5-Year Review for the species. The USFWS has requested ashy-gray Indian paintbrush seed collection in the past and thus, seed collection would provide an additional valuable conservation measure to further protect the ashy-gray Indian paintbrush species as part of the Moon Camp Project. MM **BR-1a** establishes the seed collection that would take place prior to construction within Lots 1, 4, 47, 48, 49, and 50.*

- 10-8 The comment asks effectively how the lots that contain ashy-gray Indian paintbrush that would be impacted by the proposed Project can be “allowed” to be developed in light of the impacts to ashy-gray Indian paintbrush. Neither the County nor USFWS mandates that in order for a less than significant determination to be made that no individual plant can be impacted. The principal of mitigating impacts to special status plant species, such as the ashy-gray Indian paintbrush, is to conserve areas containing the species at, generally, a minimum 1:1 ratio. Additionally, compliance with USFWS recommendations for specific actions that can be taken to mitigate potential impacts to the special status species can further minimize impacts to the special status species, as these recommendations have been created in furtherance of reducing threats to the special status species, in this case the ashy-gray Indian paintbrush. Thus, while there are several lots that would be developed in areas containing ashy-gray Indian paintbrush, the extent of the species within these areas is far less prolific than it is in Lots A and H. On an occurrence basis, there are approximately 5,567 occurrences of ashy-gray Indian paintbrush occurrences are located within the proposed 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 Project site. Thus, the Project would mitigate impacts to this species at an approximately 7:1 ratio on an on-site plant occurrence basis, and on an acreage basis at a 1.68:1 ratio, and this excludes the potential for the protection of up to an additional 127 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, wherever feasible. CEQA does not require that all potential impacts be entirely eliminated. CEQA also provides for balancing environmental concerns with other social goals, especially housing goals (See Pub Res C §§21000(g), 21159.26). The PRDEIR No. 3 discloses that the Project could result in impacts to up to 672 individual plants, and provides analysis explaining why the loss of these individual plants can be minimized to a level of less than significant through the implementation of mitigation discussed herein, and under Response to Comments 10-3, 10-6, and 10-7. Please refer to Response to Comment 10-9 regarding the impact of construction equipment on ashy-gray Indian paintbrush.
- 10-9 This comment makes a number of claims regarding construction impacts including those related to tree removal, ground disturbance, electrical dangers on bald eagle, killing ashy-gray Indian paintbrush, noise, and creation of fire risk. The impacts related to ashy-gray Indian paintbrush have been documented in Response to Comments 10-3, 10-6, 10-7, and 10-8, above. In response to the specific concern that ground disturbance would kill

ashy-gray Indian paintbrush, the majority of the areas that presently support this species would be protected during both construction and operation of the proposed project. Implementation of MM **BR-1b** would ensure that the conservation easements—within which 4,895 of the 5,567 individual ashy-gray Indian paintbrush plants occur, equal to 88 percent of the total occurrences of this species—are established prior to the start of construction, thereby preventing the potential for ground disturbing activities to impact those individual plants occurring within the conservation easements. Furthermore, MM **BR-1d** would also limit ground disturbing activities that fall within the rear portions of Lots 1, 4, 47, 48, 49, and 50 by means of building envelopes or building setback lines to prevent construction in the occupied ashy-gray Indian paintbrush habitat, thereby further minimizing the potential for ground disturbing activities to impact those individual plants occurring within the occupied ashy-gray Indian paintbrush habitat onsite that falls outside of the conservation easements.

The remaining issues, except for wildfire evacuation risk, fall outside of the scope of this PRDEIR No. 3, and were considered as part of the July 2020 FEIR, the analysis for which was determined to be adequate by the Court. The issue of wildfire evacuation was fully analyzed in this PRDEIR No. 3, and was determined to be less than significant based on the Wildfire Evacuation Plan (Appendix 12) that was prepared for the Project, and based on the implementation of several mitigation measures (MMs **HAZ-1** through **HAZ-3**, and MMs **T-1** through **T-3**). Refer to Subchapter 4.3, Hazards and Hazardous Materials, in the PRDEIR No. 3. No further response to this comment shall be furnished, as the remaining comments pertain to issues that fall outside of the scope of this PRDEIR No. 3.

- 10-10 The comment conveys concern over the fencing of the property and its impacts on biological resources (including migration). The fencing of the property at present protects sensitive plant species from OHV use, which as described in Response to Comment 10-7, is something that the USFWS lists as a threat to the sensitive plant species in the Project area. The issue of wildlife migration was addressed as part of the July 2020 FEIR, and was determined to be an issue that would not be significantly impacted by the implementation of the proposed Project. Refer to Appendix 4, the RRDEIR No. 2 page 2-55, which states the following in regards to wildlife movement:

“The project site does not contain wildlife crossings or corridors. Nonetheless, the Project site could be used as a travel route connecting forest habitat to the north with Big Bear Lake. However, direct connection to open space areas north and east of the Project site are obstructed by SR-38. The importance of this travel route may be diminished by the vehicle traffic hazard associated with crossing SR-38 as well as the availability of similar habitat immediately adjacent to the east of the Project site.”

As this issue falls outside of the scope of the PRDEIR No. 3, no further response to this comment shall be furnished.

- 10-11 The comment conveys concern over light pollution at night. The issue of indirect impacts related to biological resources was addressed as part of the July 2020 FEIR, and was determined to be an issue that would not be significantly impacted by the implementation of the proposed Project. Refer to MMs **BR-9** and **BR-10**, which mitigate for light pollution that could occur as a result of the proposed Project. Additionally, refer to Appendix 4, the RRDEIR No. 2 page 2-52, which states the following in regards to night lighting and potential impacts on wildlife:

*“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 2011 Alternative Project could disrupt roosting behavior of the bald eagle on the Project site. Long-term and short-term light attenuation measures were recommended within Section 4.1, Aesthetics, of the Revised and Recirculated Draft EIR No. 1 (see 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.”*

As this issue falls outside of the scope of the PRDEIR No. 3, no further response to this comment shall be furnished.

- 10-12 The comment conveys concern over human behavior and the impacts on wildlife and plant species. The issue of indirect impacts such as human behavior related to biological resources was addressed as part of the July 2020 FEIR, and was determined to be an issue that would not be significantly impacted by the implementation of the proposed Project. Additionally, refer to Appendix 4, the RRDEIR No. 2 pages 2-52 and 2-53, which states the following in regards to human activity and potential impacts on wildlife:

*“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 2011 Alternative 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 2011 Alternative 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.”*

Later, it is stated that this determination relates to impacts to bald eagle, refer to RRDEIR No. 2 page 2-62 states:

“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.”

The comment also claims that the human behavior and domesticated pets would result in significant and unavoidable impacts on the ashy-gray Indian paintbrush. As documented throughout these responses to comments, it is acknowledged that up to 672 occurrences of ashy-gray Indian paintbrush would be impacted by the proposed Project, but that the mitigation identified in the PRDEIR No. 3 would mitigate for these impacts, thereby resulting in a less than significant impact. The remaining 4,895 occurrences of the ashy-gray Indian paintbrush would be protected through onsite conservation, but the PRDEIR No. 3 acknowledges that construction, in addition to human behavior, may impact the up to 672 occurrences identified in the areas proposed for development as part of the proposed Project. As the remaining concerns raised in this comment fall outside of the scope of the PRDEIR No. 3, no further response to this comment shall be furnished.

- 10-13 The comment is noted, and will be made available to the County decision-makers as part of the RFEIR package prior to a decision on the proposed Project.



In Moon Camp
Project Area



be protected by the [Migratory Bird Treaty Act](#) and the [Bald and Golden Eagle Protection Act](#). Both laws prohibit killing, selling or otherwise harming eagles, their nests, or eggs. The Fish and Wildlife Service has recently revised a final rule on two new permit regulations that would allow for the take of eagles and eagle nests under the Bald and Golden Eagle Protection Act (Eagle Act). Also, the bald eagle is classified as a "[fully protected bird \(PDF\)](#)" under California law.

The most significant threat to survival of the bald eagle in the 20th century was the widespread use of the pesticide DDT in the decades after World War II, which caused abnormalities in bald eagle eggshells, resulting in widespread nesting failures. Other adverse impacts have included habitat modification from road, housing, and other developments; agriculture; timber harvest; pesticides and contaminants, including lead poisoning; off-road

vehicles and other human disturbances;
electrocution and collision at power lines; and
shooting.

Recovery Efforts

A nationwide ban on most uses of DDT took effect in 1972, and over time, this enabled bald eagle

AA

🔒 wildlife.ca.gov



or loss of eggs, and injury to young, including due to weather effects or malnourishment) constitute take under the [Bald and Golden Eagle Protection Act](#) (see below).

Avoiding Bald Eagle Disturbance at Nest Sites

To avoid disturbing nesting bald eagles, we recommend that you (1) avoid certain activities during the nesting season (defined as March 1 through August 31 in Alaska) to the extent practicable (2) conduct certain activities at

to the extent practicable, (2) conduct certain activities at recommended distances from in-use nests, and (3) maintain natural forested or vegetative buffers around nest trees or make use of topographic buffers. The buffer areas should be applied to both in-use and inactive, alternate nests and serve to minimize visual and auditory impacts associated with human activities near nest sites.

The impact that a new human activity has on a pair of nesting eagles depends on whether the eagles can see or hear the activity from the nest and on how tolerant the birds are to human activity. Eagles are more prone to disturbance when an activity occurs in full view. For this reason, we recommend that projects locate activities farther from the nest in areas with open vistas than in areas where line of sight from the nest to the activity is shielded by rolling topography, trees, or other screening factors. Also, vegetative buffers should be large enough to protect existing nest trees, including their root structure, and provide for alternative or replacement nest trees. Sudden and loud noises can also lead to

[Help improve this site](#)



5-year Review for *Castilleja cin*

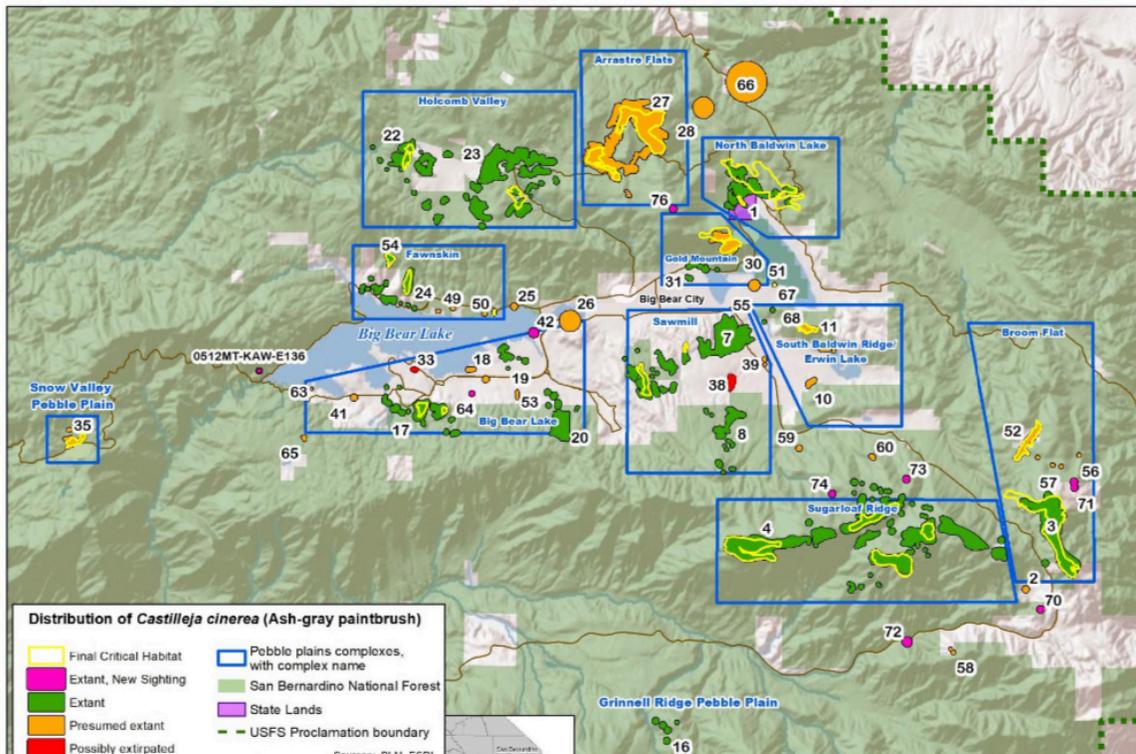
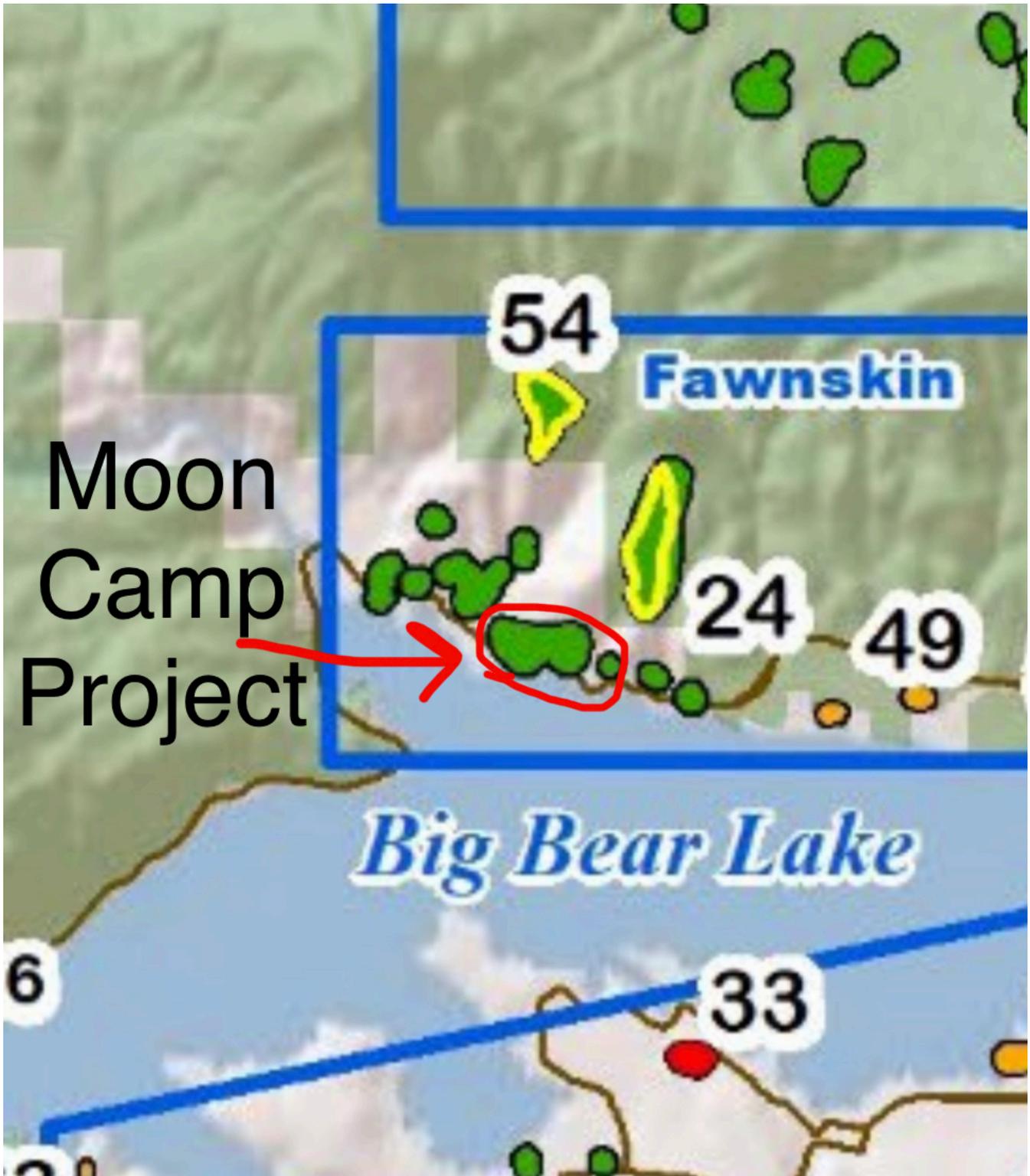




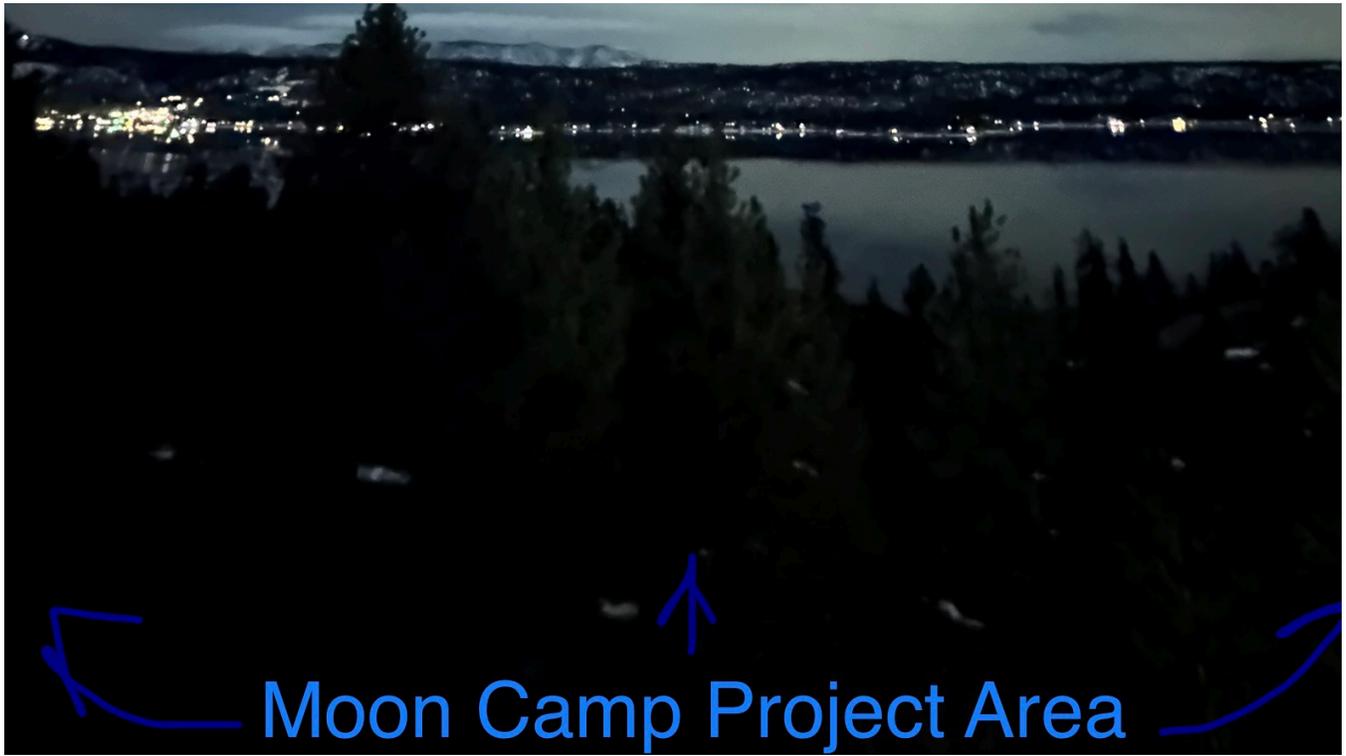
Figure 1. Map of *Castilleja cinerea* occurrences, showing occurrence status and identifying whether the occurrence is new since the 2013 5-year review. The numerical label indicates the CNDDDB EO number or USFS site ID number.





U.S. Fish and
Wildlife...sh .pdf





Moon Camp Project Area

Comment Letter #11

From: Ed Wallace rushewallace@yahoo.com 
Subject: Environmental Impact Report NO. 3 (PRDEIR NO.3 Moon Camp)
Date: March 18, 2024 at 3:37 PM
To: Morrissey , Jim Jim.Morrissey@lus.sbcounty.gov

EW

You don't often get email from rushewallace@yahoo.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Attached is the Big Bear Group of the Sierra comments on the environmental impact report on PRDEIR No.3

11-1

Ed Wallace Environmental Chair-Big Bear Group-Sierra Club

LETTERHEAD
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**RESPONSE TO COMMENT
LETTER #11
SIERRA CLUB OF THE BIG BEAR VALLEY**

- 11-1 The comment is noted, and will be made available to the County decision-makers as part of the RFEIR package prior to a decision on the proposed Project.



Big Bear Group

San Gorgonio Chapter

PO Box 3048 Big Bear Lake CA. 92315

- 11-2 The Big Bear Group of the Sierra Club representing approximately 150 members in the Big Bear Valley and 6500 members in the San Gorgonio Chapter has the following comments on Environmental Impact Report No.3 (PRDEIR No.3). Moon Camp 50 lot Residential Subdivision TT No.16136 (based on revised site plan) Big Bear Lake, San Bernardino County, California SCH No.2002021105.
- 11-3
- An analysis done by the Friends of the Big Bear Valley of the acres of pebble plain habitat within the projects site to be in excess of 18 acres rather than the 7.1 acres that is being mitigated for in PRDEIR No. 3.
- 11-4
- BR-1a proposes to use seed collection of ashy-gray paintbrush as a mitigation measure. For this to be successful the seeds would have to be dispersed in an area with soil types that are necessary for their survival. In addition, this area must include the host plants required for their

- 11-2 The comment describes the Big Bear Group of the Sierra Club. The comment is noted, and will be made available to the County decision-makers as part of the RFEIR package prior to a decision on the proposed Project.
- 11-3 The comment makes a statement that refers to an analysis completed by Friends of Big Bear Valley (FBBV) that indicates that there is greater pebble plain habitat located within the Project site than that which is identified in the PRDEIR No. 3. Refer to responses to FBBV's comment letter, specifically Responses to Comments 12-7 through 12-8.
- 11-4 The comment alleges that MM **BR-1a** proposes to utilize seed collection of ashy-gray Indian paintbrush to minimize impacts to this species, but would not be successful because seed dispersal is not addressed. As noted in the PRDEIR No. 3 and throughout these Responses to Comments, the intent of MM **BR-1a**, is in furtherance of the 2021 USFWS 5-Year Review of the ashy-gray Indian paintbrush recommendations to reduce threats to the ashy-gray Indian paintbrush. This is discussed on pages 4-26 through 4-27 of the PRDEIR No. 3. The USFWS recommends the following: "*Collect ashy-gray Indian paintbrush seed and conserve seed in an ex-situ (off-site) conservation seed bank, to preserve the genetic diversity in the species.*" As noted in the preceding quote, the USFWS does not identify that the seed should be spread, but that it should be collected and conserved to preserve the genetic diversity in the species.

11-4
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existence. These requirements have not been addressed.

11-5

- BR-1b does not designate who will monitor the conservation easement to assure the actions proposed are being implemented. This must be done to assure the easement is properly protected.

11-6

- BR-1c requires using the developments CC&Rs and its homeowners association to educate and police the provisions that protect the conservation areas. The effectiveness of this proposal depends on who is in charge of the organization at any point in time. Some will care, some will not. Thus, this is an ineffective proposal. If vacation rentals were allowed in this developed it would further complicate the education and enforcement and put the conservation areas at even more risk. How will this be addressed?

11-7

- BR- 1d requires setback lines to protect areas of ashy-gray paintbrush on lots 1,4,47,48,49, and 50 during construction but does not address what happens when these areas become the property owner's backyard. Therefore, this is an

- 11-5 The comment indicates that MM **BR-1b** does not designate a monitor for the Conservation Easement to ensure that the actions proposed by this Project are implemented. Additionally, as indicated in the Mitigation Monitoring and Reporting Program, to ensure that is implemented, recordation of the easement must be verified prior to issuance of grading permits and the initiation of clearing or grading activities on the Project site. This mitigation measure specifies that a Long Term Management Plan shall be developed. This Plan has already been developed in Draft form in order to satisfy the requirements of this mitigation measure. The Draft Long-Term Management Plan was attached as Appendix 11 to the PRDEIR No. 3. It specifies the monitoring requirements for the Conservation Easement.
- 11-6 The comment questions the efficacy of MM **BR-1c**. First and foremost, MM **BR-1c** would limit access to the Conservation Areas through the installation of barriers around these areas. This, in and of itself, would ensure that the 88% of ashy-gray Indian paintbrush occurrences are preserved, by minimizing the potential for unauthorized human activity within these conservation areas.

Furthermore, the provisions of MM **BR-1b** would implement the Long Term Management Plan, which designates a Conservation Easement Manager that would effectively oversee that MM **BR-1c** are properly implemented, thereby not leaving the enforcement solely to the Homeowner's Association. Verification of implementation of MM **BR-1b** requires recordation of the easement must be verified prior to issuance of grading permits and the initiation of clearing or grading activities on the Project site, as stated above under Response to Comment 11-5. Additionally, as indicated in the Mitigation Monitoring and Reporting Program, to ensure that MM **BR-1c** is implemented, the following verification methods will be employed:

- The Developer/HOA shall submit the Project CC&Rs to the County of San Bernardino Planning Department
- The HOA shall distribute a list of prohibited invasive plant to lot owners
- The County shall review and approve the Grading Plan
- The County shall receive a submission of annual biological monitoring report to be retained in the project file.
- The HOA shall prepare an annual biological monitoring report on rare plant species status and necessary enhancement and protection actions
- The HOA shall hold a routine monitoring of rare plant resources on Lot A and H

- 11-7 The comment questions the efficacy of MM **BR-1d** at protecting ashy-gray Indian paintbrush as part of construction, but not operation. It is important to note that this mitigation measure is intended to attempt to provide further protections for the ashy-gray Indian paintbrush that are located outside of the construction and building footprints, as noted on PRDEIR No. 3 page 4-25:

*“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 an additional 127 occurrences of ashy-gray Indian paintbrush, which would provide further protections to the species in place, potentially enabling the continued proliferation of the species within the Moon Camp Project site. This would be implemented as a requirement of MM **BR-1d**, which has been expanded since the certification of the 2020 FEIR. MM **BR-1d** requires the construction within Lots 1, 4, 47, 48, 49, and 50 to be restricted by means of building envelopes or*

*building setback lines to prevent construction in the occupied ashy-gray Indian paintbrush habitat, wherever feasible. Once the Moon Camp Project is developed, the developer cannot control the actions of private home owners on private land, thus, though MM **BR-1d** would protect ashy-gray Indian paintbrush for the duration of construction, preservation of the species during occupation of the future residences cannot be guaranteed. However, given that the proposed Moon Camp Project would include the creation of a Homeowner's Association (HOA), the provisions of MM **BR-1c** have been modified to ensure that education of future homeowners of Lots 1, 4, 47, 48, 49, and 50 is provided to spread awareness of the importance of retaining this species in its natural state on site. MM **BR-1c** also sets forth a number of actions that would ensure the permanent preservation of the Conservation Areas to be established on site. Where homeowners do not wish to retain the areas of their properties containing the ashy- gray Indian paintbrush, the seed collection that shall take place during construction would suffice to ensure conservation and preserve genetic diversity in the species. MM **BR-1a** addresses seed collection, which is discussed in detail, below.”*

The preservation of 4.84 acres of ashy-gray Indian paintbrush will mitigate Project impacts on a 1.68:1 ratio, on an acreage basis. On an occurrence basis, the Project site contains 5,567 occurrences of ashy-gray Indian paintbrush with 88 percent, or 4,895 of the occurrences within the Project site that will be protected through permanent Conservation Easements designated within both lettered Lots A and H, which equates to a conservation on an occurrence basis of approximately 7:1. 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.

11-7
cont'd

ineffective protection plan for these sensitive plants.

11-8

- BR-4 puts the responsibility for replacing eagle perch trees or trees over 24 inches that need to be removed in the development of the homeowner's association. Who is responsible for assuring that they are fulfilling this responsibility? There is a cost involved with this could affect how this is handled.

11-9

- BR-5 Without having the number of trees in this category identified and located, it is difficult to give a meaningful comment. However, this count should be made prior to any construction and lots containing a significant number of trees should become part of the conservation easements.

11-10

- BR-8 This project has a Significant Unavoidable impact on the bald eagles. BR-8 addresses the winter activities in marina area but does not recognize or address the usage of this area as a place that the eagles use for forage year-round. The increased marina and parking lot activity could potentially create disturbances and result in nest abandonment which is a violation of the

- 11-8 The comment asks who would be responsible for ensuring that the bald eagle perches are replaced as part of MM **BR-4**. It should be noted that the Draft Long Term Management Plan identifies the responsible party for ensuring implementation of MM **BR-4** as the Conservation Easement Manager. Refer to Appendix 11. As discussed in the introduction to these responses to comments, and under Response to Comment 2-1, the PRDEIR No. 3 focuses solely on the topics of Biological Resources (impacts to ashy-gray Indian paintbrush and pebble plain habitat), Hazards and Hazardous Materials (wildfire evacuation), and Land Use and Planning (consistency with the San Bernardino Countywide Plan). The analysis and CEQA determinations for topics that fall outside of the narrow focus of the PRDEIR No. 3 were deemed adequate by the Court, and therefore no longer warrant discussion or consideration beyond what was presented in the July 2020 FEIR, pursuant to CEQA Statute 15234(d).

Only new comments submitted on the recirculated portions of the PRDEIR No. 3 will be considered by the County. As an example, the comments in this comment letter pertaining to impacts on the bald eagle will not be considered in the responses to comments, because the Court determined that the impacts on bald eagle were adequately analyzed in the July 2020 FEIR. Thus, the opportunity to comment on impacts determined to be adequate by the Court that were not the aforementioned focus of the PRDEIR No. 3 has concluded.

- 11-9 The comment requests that a count of the perch trees be provided to the public and identified prior to establishment of the Conservation Easements. It should be noted that 65 potential perch trees are identified as part of the Draft Long Term Management Plan. Refer to Appendix 11. Furthermore, as previously stated, only comments submitted on the recirculated portions of the PRDEIR No. 3 will be considered by the County. The opportunity to comment on impacts determined to be adequate by the Court that were not the aforementioned focus of the PRDEIR No. 3 has concluded.
- 11-10 This comment alleges that the year-round impacts from marina activity would significantly impact bald eagle. Note that the marina is not operational year-round; the 55-boat slip marina would be open for a designated portion of the year between April 2 and November 30 annually. The July 2020 FEIR identified that *“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 noise impacts are considered a significant impact under CEQA. This threshold is so restrictive that there is no reasonable configuration to the 2011 Alternative 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.”* Furthermore, as previously stated, only comments submitted on the recirculated portions of the PRDEIR No. 3 will be considered by the County. The opportunity to comment on impacts determined to be adequate by the Court that were not the aforementioned focus of the PRDEIR No. 3 has concluded.

11-10
cont'd

federal Bald and Golden Eagle Protection Act. A potential mitigation would be to delete the marina and parking lot from the project and add the area to the conservation easements.

11-11

- BR-12 There is a strong likelihood that non-native plants planted on lots in the residential areas will migrate into conservation easements. Again, this requires a vigilant HOA board. Some will understand the importance of these requirements, others will not. Who or how is this going to be monitored?

11-12

This project will have a adverse effect on the ashy-gray paint brush habitat as well as that of our bald eagles present and future populations. In addition, it will change the north shore forever. If you add to that the additional burden being placed on fire and sheriff departments and the added traffic if a valley wide evacuation should become necessary, one might question why.

11-13

The Technical Appendices in Volume 2 of PRDEIR were not available on the county website thus we were not able to comment. Thus, an extension of the comment period is requested.

Sincerely
Ed Wallace
Conservation Chair

- 11-11 This comment raises a concern that non-native plants could invade the Conservation Easements. The Draft Long Term Management Plan (Appendix 11) specifies that the Conservation Easement Manager must provide an annual report on the rare plants on the Moon Camp property, which would include a reporting of any damage to the habitat resulting from invasive plants. Remediation actions, such as invasive species management, through maintenance would be managed through the Rare Plant Habitat Management Program, and would be performed on a monthly basis.
- 11-12 This comment alleges that the Project would have adverse impacts on ashy-gray Indian paintbrush in addition to the unavoidable significant impact on bald eagle, and lists other general concerns related to the burden of the Project on the fire and sheriff departments, in addition to traffic related to an evacuation should one become necessary. Other than general concerns presented in this comment, the commenter does not point to a specific point in the PRDEIR No. 3 with which the commenter takes issue. It should be noted that Wildfire Evacuation was studied and analyzed in detail in the PRDEIR No. 3 through the impact analysis under Subchapter 4.3, Hazards and Hazardous Materials, as well as through a Wildfire Evacuation Plan provided as Appendix 12 to the PRDEIR No. 3. Furthermore, as previously stated, only comments submitted on the recirculated portions of the PRDEIR No. 3 will be considered by the County. The opportunity to comment on impacts determined to be adequate by the Court, such as impacts on fire and sheriff services, and impacts on bald eagle, that were not the aforementioned focus of the PRDEIR No. 3 has concluded.
- 11-13 This comment requests an extension of the comment period due to the commenter's inability to access the Appendices. The Appendices have been available on the County's website, but there appears to be some confusion. The Appendices were not compiled into one singular PDF because the documents were incredibly large files. The County posted a Volume II Table of Contents, with the remaining Appendices making up Volume II labeled and made available as independent files simultaneously with posting Volume I on January 24, 2024. No extension of the comment period shall be granted. The comment is noted, and will be made available to the County decision-makers as part of the RFEIR package prior to a decision on the proposed Project.

Big Bear Group Sierra Club

www.sierraclub.org/san-gorgonio/bigbear

Comment Letter #12

From: [FOBBV Sandy Steers](#)
To: [Morrissey, Jim](#)
Subject: volume 2, technical documents Moon Camp PRDEIR?
Date: Monday, March 18, 2024 8:11:27 AM

You don't often get email from sandy.fobbv@gmail.com. [Learn why this is important](#)

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12-1

Hello Mr. Morrissey,
The volume 2, technical documents for the Moon Camp PRDEIR are not available on the county website for this environmental review. Only the table of contents is included. What do I have to do to access those documents?
Thank you,
Sandy Steers

**RESPONSE TO COMMENT
LETTER #12
FRIENDS OF BIG BEAR VALLEY**

- 12-1 The comment is noted and will be made available to County decision-makers as part of the RFEIR package prior to a decision on the proposed Project. The Appendices have been available on the County's website since January 24, 2024, but there appears to be some confusion. The Appendices were not compiled into one singular PDF because the documents were incredibly large files. The County posted a Volume II Table of Contents, with the remaining Appendices labeled and made available as independent files. The comment is noted, and will be made available to the County decision-makers as part of the RFEIR package prior to a decision on the proposed Project.

From: [FOBBV Sandy Steers](#)
To: [Morrissey, Jim](#)
Cc: [Babak Naficy](#)
Subject: Moon Camp PRDEIR No. 3 comments
Date: Monday, March 18, 2024 4:40:45 PM
Attachments: [mc pebble plain map.pdf](#)
[fs ashy gray paintbrush preservation.pdf](#)
[Moon Camp fobbv prdeir comments Mar 2024 final.pdf](#)

You don't often get email from sandy.fobbv@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

12-2 | Dear Mr. Morrissey,
Please find attached the comments and attachments from Friends of Big Bear Valley on the Partial recirculated draft environmental impact report for Moon Camp proposal in Fawnskin, CA Thank you.
Sandy Steers
Executive Director

12-2 The comment is noted, and will be made available to the County decision-makers as part of the RFEIR package prior to a decision on the proposed Project.



P.O. Box 422, Fawnskin, California 92333
www.friendsofbigbearvalley.org fobbvinfo@gmail.com

18 March 2024

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

By email to: Jim.Morrissey@lus.sbcounty.gov

RE: Environmental Impact Report No. 3 (PRDEIR No. 3, Moon Camp 50-lot Residential Subdivision TT No.16136 (Based on Revised Site Plan) Big Bear Lake, San Bernardino County, California SCH No.2002021105

12-3 | I submit these comments on my own behalf and on behalf of the over 10,000 members of Friends of Big Bear Valley (FOBBV) who care deeply about the conservation of all natural resources in Fawnskin and the Big Bear Valley. The FOBBV's interest in the protection of all biological resources would be directly and adversely affected by the development of the Moon Camp project as proposed.

12-4 | As documented in this PRDEIR No. 3, the plans for the project were not changed since the FEIR. In places, this document implies that changes to the project have been made for this analysis, but, in fact, the plans remain the same as were presented in the FEIR in 2020. They have only been presented in slightly different ways or with a different way of calculating impacts. The new mitigations presented here are offered without any data, analysis or other proof that such mitigation measures would be effective at actually reducing the impact in any way.

12-6 | More fundamentally, the analysis of the impacts and to protected species and the proposed mitigation is arbitrary and capricious to the extent that the County is attempting to reach a different conclusion based on essentially based on the same project and identical set of impacts.

Detailed Comments:

12-3 The comment describes the FBBV as an organization, and notes that FBBV is interested in the protection of all biological resources impacted by the development of the Moon Camp Project. The comment is noted, and will be made available to the County decision-makers as part of the RFEIR package prior to a decision on the proposed Project.

12-4 The comment alleges that the Moon Camp Project PRDEIR No. 3 implies that changes have been made to the Project, but that the Project remains the same as that which was presented in the July 2020 FEIR. The Moon Camp Project Description remains mostly unchanged from the Project that was presented in the July 2020 FEIR. The only changes that have been contemplated as part of the PRDEIR No. 3 are noted on pages 1-6 and 1-8:

“The Project that was contemplated in the July 2020 FEIR remains the same, but the underlying land use designations and zoning districts have since changed as a result of the adoption of the San Bernardino Countywide Plan in October 2020. As a result, the land use designation has been modified to Very Low Density Residential (VLDR), and the Zoning district of the Project site has been modified to BV/RS-20M, to which the Moon Camp Project conforms.” Pg. 1-6’

*“One change from the Project approved in July of 2020 is that the 10-acre off-site parcel known as the Dixie Lee Lane parcel that was to be conserved as required by FEIR Mitigation Measure MM **BR-1a**, is now included as a project-related community benefit. As part of the Project, the applicant intends to permanently preserve the Dixie Lee Lane parcel by including it in a Conservation Easement and managed pursuant to the terms of the Project’s Long Term Management Plan as required by Project conditions of approval. Though the Dixie Lee Lane parcel is no longer considered mitigation in the PDEIR, the parcel will be preserved in perpetuity in a similar fashion as required by the previous mitigation measure.” Pg 1-8*

12-5 The comment alleges that the PRDEIR only presents the impact analysis in a different way without data, analysis, or other proof that the proposed mitigation measures would be effective at reducing impacts. As discussed in the introduction to these responses to comments, and under Response to Comment 2-1, the PRDEIR No. 3 focuses solely on the topics of Biological Resources (impacts to ashy-gray Indian paintbrush and pebble plain habitat), Hazards and Hazardous Materials (wildfire evacuation), and Land Use and Planning (consistency with the San Bernardino Countywide Plan). This comment broadly implies that no additional analysis or data was provided or utilized in support of the impact determinations presented in the PRDEIR No. 3. First, a Wildfire Evacuation Plan was prepared for this Project to support the impact conclusion that the proposed Project would not significantly impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Second, a Memo titled “Review of Proposed Mitigation Measures and Recommend Additional Conservation Measures to Offset Impacts to Ashy-Gray Paintbrush for the Moon Camp Residential Subdivision Project San Bernardino County, California,” (2023 Memo) was prepared to review of all of the materials pertaining to pebble plain habitat and ashy-gray Indian paintbrush to ensure consistency of the findings made in the previous reports, in the July 2020 FEIR, and provide any additional recommendations or clarifications to supplement the data that has been generated related to pebble plain habitat and ashy-gray Indian paintbrush for the Moon Camp Project. Thus, the assertion that no new data, analysis, or other evidence that the proposed mitigation would adequately minimize impacts to the narrow focus of

the PRDEIR No. 3, in responding to the Court's Writ of Mandate—impacts to ashy-gray Indian paintbrush and pebble plain habitat, and wildfire evacuation—is false.

- 12-6 The comment alleges that the analysis conclusions in the PRDEIR No. 3 are arbitrary and capricious. This general comment is noted, and will be made available to the County decision-makers as part of the RFEIR package prior to a decision on the proposed Project. The commenter appears to be referencing the impacts to ashy-gray Indian paintbrush and pebble plain habitat. It should be noted that the Court's Writ of Mandate determined that the Court couldn't determine the County's analytic path with certainty, and therefore concluded that the July 2020 FEIR did not provide substantial evidence that the Dixie Lee Land parcel could serve as adequate mitigation for the Project's impacts on ashy-gray Indian paintbrush or pebble plain habitat. This was primarily due to the confusion regarding contradictory statements made in the Responses to Comments that were included in the July 2020 FEIR. The PRDEIR No. 3 serves as an updated analysis intended to clarify the record regarding mitigations that are feasible and necessary to minimize impacts to ashy-gray Indian paintbrush, and to further clarify the record regarding the lack of presence of pebble plain habitat within the Project site. The data supporting the conclusions made in the PRDEIR No. 3 were existing, and were further evaluated as part of the 2023 Memo provided as Appendix 9 to the PRDEIR No. 3, but the existing data was not effectively communicated in the July 2020 FEIR, hence the utilization of the existing data and the 2023 Memo in support of the clarifying conclusions made related to ashy-gray Indian paintbrush or pebble plain habitat as part of the PRDEIR No. 3.

Biological Resources:
Ashy-gray paintbrush

12-7 1) The PRDEIR No. 3 states: "The surveys assumed presence of certain species, including pebble plain species, would occur during years of normal rainfall. This practice resulted in an over-calculation of species present on the Project site, which is apparent in the 2008 Supplemental Focused Rare Plant Survey and 2010 Focused Special Status Plant Species Survey, which were prepared by Dr. Krantz of Timothy Krantz Environmental Consulting. The Supplemental Focused Special Status Plant Species Survey (2008, Appendix 6, referenced in RRDEIR No. 1; 2010, Appendix 5, referenced in the 2020 FEIR) was conducted in years with normal or above average rainfall, identified an accurate distribution of ashy-gray Indian paintbrush species within the Project site, and this conclusion supersedes the assumptions made as a result of surveys conducted during drought years during 2000-2007."

12-8 These stated assumptions that the ashy-gray paintbrush plants all grow in an average rainfall season are inaccurate and not documented or proven in this PRDEIR No. 3 analysis. According to USFS botanist, Scott Eliason, there are many other factors besides average rainfall (such as temperatures, condition of the host plant or plants) that determine how many Ashy-gray paintbrush plants grow in a given year. A more appropriate way to analyze the habitat is with a combination of visible existing plants and the existence of soil types and associated host plants in the habitat. According to USFS (<https://www.fs.usda.gov/database/feis/plants/forb/cascain/all.html#10>), Ashgray Indian paintbrush grows primarily on clay, stony soils of pebble plain habitats in openings within Jeffrey pine forests and pinyon-juniper woodlands in the San Bernardino Mountains. It occurs at elevations of 5,900 to 9,300 feet (1,800-2,800 m). According to the USDA Forest Service species account, it has not been found below 6,700 feet (2,000 m). On Moon Camp its primary host plant is Wright's buckwheat (*Eriogonum wrightii* var. *subscaposum*), according to a conversation I had with Dr. Tim Krantz. With these parameters as measurement, the size of the ashy-gray paintbrush habitat would be considerably larger than has been accounted for.

12-9 2) The mapping done by the USFS (Attachment A) shows a significantly larger habitat area for the ashy-gray paintbrush than has been acknowledged in this document. This mapping shows approximately 17 acres of ashy-gray paintbrush, including critical habitat on adjacent USFS land. This mapping matches the map on page 4 of the document referenced in the PRDEIR No. 3 in footnote Number 6 on page 4-26 of the document. Why has the USFS mapping, including that in a document referenced by the PRDEIR No. 3 been omitted from the analysis and the calculations of size of the ashy-gray paintbrush habitat?

- 12-7 The comment alleges that the methods utilized to determine the extent of the ashy-gray Indian paintbrush on site were incorrect. When considering the adequacy of an EIR, the lead agency is entitled to weigh the evidence relating to the accuracy and sufficiency of the information in the EIR and to decide whether to accept it. In its discretion as lead agency, the County may adopt the environmental conclusions reached by the experts that prepared the EIR even though others may disagree with the underlying data, analysis, or conclusions. *Laurel Heights Improvement Ass'n v Regents of Univ. of Cal.* (1988) 47 C3d 376, 408; *State Water Resources Control Bd. Cases* (2006) 136 CA4th 674, 795. Accordingly, the County disagrees that the methods utilized to determine the extent of this species were incorrect. As stated on page 5 of the 2010 Focused Special Status Plant Species Survey (Appendix 5 to the PRDEIR No. 3), ashy-gray Indian paintbrush is a perennial plant, and therefore, should be identifiable in the appropriate season year after year. It is a hemiparasite, that is, it is at least partially parasitic on host plants for nutrients. Ashy-gray Indian paintbrush is usually associated with one of several buckwheat (*Eriogonum*) or mugwort (*Artemisia*) species. On pebble plains it is usually associated with Kennedy's buckwheat (*Eriogonum kennedyi subspecies*), but this pebble plains indicator species does not occur on site. In the case of Moon Camp, ashy-gray Indian paintbrush is associated with *Eriogonum wrightii subscaposum* (Wright's matting buckwheat) and perhaps occasionally on *Artemisia ludoviciana* or *A. tridentata*. The 2010 Focused Special Status Plant Species Survey eschewed the former assumptions of presence of the ashy-gray Indian paintbrush based on the presence of host species. The suggestion in this comment and comment 12-8, below, that the "appropriate way to analyze the habitat is with a combination of visible existing plants and the existence of soil types and associated host plants in the habitat," was utilized by Dr. Krantz in his 2010 Focused Special Status Plant Species Survey to identify the extent of the ashy-gray Indian paintbrush within the site. The quote that is pulled in this comment focuses specifically on noting that the surveys were conducted during a year of normal rainfall simplifies the overall discussion that occurs in the paragraphs preceding this quote (on page 4-8), which makes note of the host plants that support the species and the habitats that the species are usually located within.
- 12-8 The comment continues the discussion that began in comment 12-7, and focuses on the host plants that support the ashy-gray Indian paintbrush and the habitats that the species are usually located within. Refer to Response to Comment 12-7, above. The commenter references a conversation with Dr. Timothy Krantz on the host plants, and conveniently, the 2010 Focused Special Status Plant Species Survey that identified the extent of the ashy-gray Indian paintbrush within the Project site, as he is an expert on the local plants of the Big Bear Valley, having aided in the listing of several species over his career. The commenter utilizes a reference from Dr. Timothy Krantz to support an argument that there are areas within the Project site that contain ashy-gray Indian paintbrush that were not accounted for by Dr. Timothy Krantz, himself. It stands to reason that Dr. Timothy Krantz, as the expert referenced by the commenter, and the expert that surveyed the Moon Camp Project site in support of the Project, correctly identified the extent of the ashy-gray Indian paintbrush in his 2010 Focused Special Status Plant Species Survey.
- 12-9 The commenter asks why the USFS map of the ashy-gray Indian paintbrush shows a larger area of presence than do the maps prepared for the PRDEIR No. 3. First, the commenter does not provide a source for the map that has been provided as Attachment A that would be accessible to the County for review. However, the commenter appears to

be referencing Figure 1 from the USFWS 5-Year Review⁷ dated August 18, 2021, which can be viewed in Response to Comment 6-2. The USFWS 5-Year Review presents a high-level overview of the known areas for the species to occur, and utilizes the following methods to conduct its review (see 5-Year Review pg. 1):

“This 5-year review was conducted by the USFWS Carlsbad Fish and Wildlife Office. Data for this review were solicited from the public and interested parties through a Federal Register notice announcing this review on January 27, 2020 (USFWS 2020, pp. 4692–4694). We also contacted State and Federal partners and species experts to request any data or information we should consider in our review. Additionally, we conducted a literature search and a review of information in our files.”

As part of its 5-Year Review compilation, the USFWS does not conduct independent ground-level surveys to verify the findings of the above resources. The studies of the floristic inventory and habitat characterization of the Project site that were conducted by Dr. Timothy Krantz in 2008, 2010, and 2016 capture a more accurate accounting for this species within this specific Project site. Refer to Response to Comments 10-3 and 10-6, which addresses the concerns raised in this comment completely.

⁷ USFWS, 2021. 5 Year Review *Castilleja cinerea* (Ash-gray paintbrush).
https://ecos.fws.gov/docs/tess/species_nonpublish/3393.pdf (accessed 04/08/24)

- 3) The PRDEIR states on page 4-23: “The presence of ashy-gray Indian paintbrush on-site was confirmed during Krantz’s 2016 Survey of Ashy-Gray Indian Paintbrush. 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 within the Project site.”

12-10

Therefore, by the document’s own admission, the ashy-gray paintbrush habitat is 18.01 acres (similar to the USFS map (attachment A) and much larger than the 7.1 acres stated elsewhere in the document. If the County disagrees with this assessment, it must explain in detail why the entire 18.1 acres should not be considered ashy-gray habitat. This results in a huge remainder of this habitat that is not being conserved nor mitigated for. It is also not counted in the percentages of habitat that would be destroyed by the development of this project, making these estimates grossly understated.

- 4) The mitigation measure BR-1d, including its expansion in this PRDEIR No. 3, of requiring building setbacks is not enforceable, feasible nor effective. It cannot be assumed that this would in any way reduce the impacts just because the buildings themselves do not cover that area. The setback areas would be the yard area associated with each of those homes and therefore subject to human and pet traffic, vehicle traffic and future destruction or landscaping and other type of development inconsistent with preservation of sensitive habitat. There is no way to ensure that homeowners would not use any portion of their property to actively preserve a protected species. This mitigation is completely irrelevant to reducing the significant impact to this species. As stated in the Forest Service Ashy-gray paintbrush 5-year review from 2008 (Appendix B) on page 6, trampling of the plants is a very real concern: “Further, the Mountaintop Ranger District has been closed to dispersed shooting, so the potential threat of trampling from shooters should be eliminated.” If the County disagrees with this analysis, it must provide a detailed analysis explaining why this mitigation would be effective notwithstanding the issues raised in my comments.

12-11

- 5) The proposed seed-collecting mitigation (BR-1a) is not an effective and viable mitigation measure because there the EIR does not offer any proof to show any of those seeds could be successfully grown to maturity. According to Dr. Tim Krantz, botanist, in a conversation I had with him, ashy-gray paintbrush growth depends on the existence of very specialized soils and the presence of appropriate host plants. According to USFS (<https://www.fs.usda.gov/database/feis/plants/forb/cascin/all.html>), host plant species parasitized by ashgray Indian paintbrush include southern mountain buckwheat, Kennedy's buckwheat (*Eriogonum kennedyi* var. *kennedyi*) Wright's buckwheat (*Eriogonum wrightii* var. *subscaposum*), basin big sagebrush, black sagebrush (*A. nova*), and other *Artemisia* species. None of this has been taken into consideration or accounted for in this mitigation.

12-12

- 12-10 The comment utilizes a quote from the PRDEIR No. 3 to claim that the PRDEIR No. 3 itself indicates that there are 18.01 acres of ashy-gray Indian paintbrush located within the Moon Camp Project site. The quote is referring to the acreage of open Jeffery pine forest as 18.01 acres, within parts of which several species were found, including ashy-gray Indian paintbrush. This is mapped as PRDEIR No. 3 Figure 4.2-1, which shows the 18.01-acre open Jeffery pine forest that can be found within the Project site. The occupied ashy-gray Indian paintbrush within the Project site is shown on Figure 4.2-2. Thus, the assertion that there are unaccounted for ashy-gray Indian paintbrush within the site by the PRDEIR No. 3's own admission is a misinterpretation of PRDEIR No. 3 and is false, and the impacts on this species have been fully accounted for therein.
- 12-11 The comment questions the efficacy of MM **BR-1d** at protecting ashy-gray Indian paintbrush. This comment has been addressed in Response to Comments 10-3 and 11-7. As stated therein, it is important to note that this mitigation measure is intended to provide further protections for the ashy-gray Indian paintbrush that are located outside of the construction and building footprints, as noted on PRDEIR No. 3 page 4-26. Separately, the preservation of 4.84 acres of ashy-gray Indian paintbrush will mitigate Project impacts on a 1.68:1 ratio, on an acreage basis. On an occurrence basis, the Project site contains 5,567 occurrences of ashy-gray Indian paintbrush with 88 percent, or 4,895 of the occurrences within the Project site that will be protected through permanent Conservation Easements designated within both lettered Lots A and H, which equates to a conservation on an occurrence basis of approximately 7:1. 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 PRDEIR No. 3 acknowledges that the individual occurrences within the building setbacks may not be preserved in perpetuity once the lot is occupied by the homeowner. The analysis also notes that preservation of these 127 occurrences is not required to conclude impacts will be reduced to a less than significant level with the implementation of the identified mitigation measures. 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.
- 12-12 The comment alleges that seed collection is not a viable mitigation measure because the EIR does not offer proof that the seeds could be successfully grown to maturity. As discussed under Response to Comment 11-4, the intent of MM **BR-1a**, is in furtherance of the 2021 USFWS 5-Year Review of the ashy-gray Indian paintbrush recommendations to reduce threats to the ashy-gray Indian paintbrush. This is discussed on pages 4-26 through 4-27 of the PRDEIR No. 3. The USFWS recommends the following: "*Collect ashy-gray Indian paintbrush seed and conserve seed in an ex-situ (off-site) conservation seed bank, to preserve the genetic diversity in the species.*" As noted in the preceding quote, the USFWS does not identify that the seed should be spread, but that it should be collected and conserved to preserve the genetic diversity in the species. Thus, there is no planned dispersal of the ashy-gray Indian paintbrush seed as part of MM **BR-1a**, intentionally, as USFWS identified seed collection and conservation as a means by which to reduce threats to ashy-gray Indian paintbrush (refer to page 16 of the 2021 USFWS 5-Year Review, as well as the analysis presented on pages 4-26 and 4-27 of the PRDEIR No. 3).

12-12
cont'd

Without full analysis that collecting these seeds would actually have a beneficial impact, this mitigation would actually do more harm to the species than benefit by taking the collected seeds out of the environment where they might possibly grow. The County must point to substantial evidence supporting a conclusion that BR-1 would be effective and feasible. Moreover, the County must designate performance criteria for this mitigation to ensure it is successful.

12-13

6) Mitigation BR-1b must include the designation of a conservation easement holder, such as the San Bernardino Mountains Land Trust, in addition to being in favor of the California Department of Fish and Wildlife. For this mitigation to have actually work as intended, the easement holder would need to visit the property monthly to check for adherence to the mitigations, such as fencing, signage, etc., and provide repairs and report status to CAFWS.

12-14

7) Regarding BR-1b, the minimum amount to be included in the non-wasting endowment fund must be defined in detail based on current market rates. Without these details being specified, this mitigation has no guarantee of having any impact on reducing the significance of the impacts to this species.

12-15

8) Mitigation measure BR-1c, using CC&Rs and a Homeowners Association to educate and police themselves is completely ineffective and a conflict of interest with the homeowners. There is no evidence this will be effective, especially since the HOA for this project is being tasked with a lot of maintenance work. This method has been shown in other developments by this same developer to be ineffective and almost a joke. Examples: a--At Eagle Point Estates, some of the bald eagle perch trees set aside as part of the mitigation were eliminated when the homeowners' association and developer returned to the City a year after the project approval and asked these mitigations to be changed so that a tennis court could be built. The public was not notified of the request for this change. b--At Castle Glen development, the pebble plains area set aside has now been turned over to another developer rather than a conservation agency and the Pebble Plains plants have been weed-wacked to the ground, virtually destroying them and their ability to seed themselves and continue growing in that habitat. Asking the homeowners to educate and police themselves to stay away from certain areas of their development, such as open space left for plants or the lake shoreline for the eagle perch trees is neither feasible nor effective. This mitigation offers no reduction in the potential significant impacts for this species.

12-16

9) Lots 1-5 contain a significant number of plants—1/10 or 10% of the total counted. Since the Dixie Lee property is no longer considered mitigation for the loss of these plants, there is no additional mitigation offered. There is no valid reason offered to justify the destruction of this significant amount of ashy-gray paintbrush habitat. There is nowhere else in the valley that a mitigation property could be offered to make up for this loss. Without other

- 12-13 The comment insists that MM **BR-1b** must designate a Conservation Easement holder for the mitigation measure to be enforceable. Firstly, the commenter believes that the Conservation Easement in favor CDFW is insufficient, but does not explain why the commenter believes CDFW's role is insufficient. The County believes that CDFW is the appropriate party based on its established expertise. As the comment does not raise any specific concerns, no further response is necessary to this general assertion in opposition to the proposed project. Second, as stated under Response to Comment 12-5, this mitigation measure specifies that a Long Term Management Plan shall be developed. This Plan has already been developed in Draft form in order to satisfy the requirements of this mitigation measure. The Draft Long-Term Management Plan was attached as Appendix 11 to the PRDEIR No. 3. It specifies that a Conservation Easement Manager and/or responsible party shall complete the draft itemized responsibilities referenced under section 4.9 of the Draft Long Term Management Plan. The Conservation Easement Manager would be responsible for ensuring that MM **BR-1b** is implemented effectively.
- 12-14 The comment conveys that the minimum amount of money that is dedicated to the non-wasting endowment fund should be defined, because without these details, the commenter believes that there is no way of guaranteeing that MM **BR-1c** would be effective at minimizing Project impacts. The Draft Long-Term Management Plan indicates that *"a non-wasting endowment fund will be deposited in an account dedicated to preservation, maintenance and monitoring of sensitive biological resources on the Moon Camp property, including funding for rare plant habitat on Lots A and H, as well as on the Dixie Lee Lane pebble plain habitat conservation area. Revenues generated by the endowment fund shall be used by the land management entity for the sole purpose of implementation, maintenance and monitoring of the Conservation Easements and the biological resources contained therein."* Furthermore, specification within the MM **BR-1c** that 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, is sufficient to guarantee that sufficient funds are endowed to carry forth the Long Term Management Plan actions and reporting requirements. Additionally, it is anticipated that CDFW shall oversee the preparation of the Final Long Term Management Plan as part of the Conservation Easement approval process, and CDFW shall review definition of the non-wasting endowment fund, and therefore, the assertions made in this comment that there are no protections in place identified in MM **BR-1c** to ensure that the non-wasting endowment fund is sufficiently funded to implement the Final Long Term Management Plan, is false.
- 12-15 The comment conveys concern that MM **BR-1c** would be ineffective as there is no evidence that utilizing CC&Rs and the Homeowner's Association to enforce mitigation is effective. The commenter cites anecdotal evidence but does not provide any evidence based studies from which to draw a conclusion that these assertions are true. As discussed under Response to Comment 11-6, first and foremost, MM **BR-1c** would limit access to the Conservation Areas through the installation of barriers around these areas. This, in and of itself, would ensure that the 88% of ashy-gray Indian paintbrush occurrences are preserved, by minimizing the potential for unauthorized human activity within these conservation areas. Furthermore, the provisions of MM **BR-1b** would implement the Long-Term Management Plan, which designates a Conservation Easement Manager that would effectively oversee that MM **BR-1c** are properly implemented, thereby not leaving the enforcement solely to the Homeowner's Association. The Draft Long Term

Management Program proposes the following protections that would be overseen by a designated Conservation Easement Manager:

- Fencing and signs shall be monitored and maintained monthly around Lots A and H on the Moon Camp property; and on the Sugarloaf pebble plain.
- Incidents of vehicular trespass shall be monitored and remedied by means of reparation of fencing and re-posting of signs, as necessary.
- Damage to rare plant habitat shall be repaired and/or restored as soon as possible. Incidents requiring major reparations may require consultation with botanical authorities who are familiar with pebble plain or rare plant habitat restoration
- The CE manager shall provide an annual report summarizing the monitoring and maintenance programs for bald eagles and rare plants on the Moon Camp property and on the Sugarloaf pebble plain. The annual report shall be submitted to the HOA and the CDFW.
- A presentation of the report findings shall be presented to the HOA to inform the Moon Camp residents about the unique resources on their community property.

Thus, based on the above, the County disagrees with the assertion that MM **BR-1c** would be infeasible and ineffective, as demonstrated herein and throughout these responses to comments.

It is entirely speculative to assume that valid mitigation measures may be changed or cancelled in the future. The County notes that a lead agency may only approve cancellation of a mitigation measure after reviewing the continuing need for it. If there is a reason to change the measure, the County may do so supporting its decision with substantial evidence. *Katzeff v Department of Forestry & Fire Protection* (2010) 181 CA4th 601, 614. The reasons for cancelling a mitigation measure and the effect of doing so must be addressed in a supplemental EIR or other appropriate CEQA document such as an addendum. See *Lincoln Place Tenants Ass'n v City of Los Angeles* (2005) 130 CA4th 1491, 1508.

- 12-16 The comment conveys that the mitigation to protect the ashy-gray Indian paintbrush is insufficient without the inclusion of the Dixie Lee Lane property, as there is “no additional mitigation offered” when compared to the July 2020 FEIR. First, there is additional mitigation that has been offered in the PRDEIR No. 3, when compared to the July 2020 FEIR, through MM **BR-1a**. As discussed in Response to Comment 10-3, the 2021 USFWS 5-Year Review, as well as the 2023 Memo prepared by Daniel Smith and provided as Appendix 9, indicate that the Project applicant should consider coordinating with an organization, such as the California Botanic Garden, to salvage ashy-gray Indian paintbrush seed prior to any Project related impacts to this species. This is because seed collections allow for genetic conservation of the species and help develop propagation protocols for the species, thereby preserving its existence outside of known occurrences, as documented in the USFWS 5-Year Review for the species. The USFWS has requested ashy-gray Indian paintbrush seed collection in the past, and even references the specific project in Big Bear Lake that Jacobs Engineering Group reported in the City of Big Bear Lake in its 2021 USFWS 5-Year Review for the species, for which the USFWS requested that ashy-gray Indian paintbrush seed be collected similar to the provisions of MM **BR-1a**. Thus, seed collection would provide an additional valuable conservation measure to further protect the ashy-gray Indian paintbrush species as part of the Moon Camp Project. MM **BR-1a** establishes the seed collection that would take place prior to construction within Lots 1, 4, 47, 48, 49, and 50. Thus, additional mitigation measures have been provided to protect this species beyond what was identified in the July 2020 FEIR.

In regard to the assertion that there is not sufficient mitigation to minimize impacts to ashy-gray Indian paintbrush. As stated under Response to Comment 10-8, neither the County nor USFWS mandate that in order for a less than significant determination to be made that no individual plant can be impacted. The principal of mitigating impacts to special status plant species, such as the ashy-gray Indian paintbrush is to conserve areas containing the species at, generally, a minimum 1:1 ratio. Additionally, compliance with USFWS recommendations for specific actions that can be taken to mitigate potential impacts to the special status species can further minimize impacts to the special status species, as these recommendations have been created in furtherance of reducing threats to the special status species, in this case the ashy-gray Indian paintbrush.

On an occurrence basis, there are approximately 5,567 occurrences of ashy-gray Indian paintbrush occurrences are located within the proposed 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 Project site. Thus, the Project would mitigate impacts to this species at an approximately 7:1 ratio on an on-site plant occurrence basis, and on an acreage basis at a 1.68:1 ratio, and this excludes the potential for the protection of up to an additional 127 plants through the implementation of MM **BR-1d**. The PRDEIR No. 3 acknowledges that the Project may result in the loss of up to 672 individual plants, and it provide analysis explaining why the loss of these individual plants can be minimized to a level of less than significant through the implementation of mitigation discussed herein, and under Response to Comments 10-3, 10-6, and 10-7, as well as Responses to Comments 12-5 through 12-15, and elsewhere throughout these Response to Comments.

With respect to the assertion that the impacts disclosed in PRDEIR No. 3 are not justified, the comment will be part of the administrative record and considered by the decisionmakers in approving the Project and adopting the Statement of Overriding Considerations. As this pertains to the merits of the project and not to any specific concern with any specific environmental issue or the analysis in the PRDEIR No. 3, no further response is required.

12-16
cont'd mitigation alternatives, these lots must be eliminated to become part of Lot A to be set aside as ashy-gray paintbrush habitat.

12-17 10) Having a road, along with sewer lines and water pipes go through the middle of the set aside habitat invalidates much of the reduction in significance of that set aside. As stated in the 5-year review (Attachment B) on page 6, "Non-native species are specifically identified as a concern in the Fawnskin, Arrastre/Union Flat, Sawmill, North Baldwin Lake, South Baldwin Ridge/Erwin Lake, and Broom Flat complexes in the Pebble Plain Habitat Management Guide (USFS 2002). Finally, vehicular activity can result in soil compaction and can cover individuals with dust and mud that can impair physiological functions (USFWS 2005; USFS 2002)." Having the road run through the middle of the conservation parcels would both increase the invasive species and increase the dust and mud that would be brought in to impact the plants and habitat in general. It also creates substantial fragmentation of the habitat, which is a known adverse impact.

Rather than running the road through the middle of the conservation habitat, which will greatly limit the benefits of the conservation area, it would be more appropriate to run the road to the east of the entire conservation area. This would serve to reduce road dust and mud, to reduce the high potential for non-native species invasion and to eliminate the potential for a sewer line leak to destroy section of the conservation lot's habitat. If the County claims this would be infeasible, it must explain in detail why that is.

12-18 11) Page 4-26 of the PRDEIR No. 3 falsely states that "though not necessary to reduce ashy-gray Indian paintbrush impacts to a level of less than significant". Further, on page 4-38 the document states "Because no true pebble plain habitat exists onsite, disturbance of the area previously characterized as pebble plain and included within the boundaries of Lot 2, does not constitute a significant impact. Accordingly, no impacts to pebble plain habitat would occur as a result of Project implementation as no pebble plain habitat exists within the Project site."

However, it is the plant species ashy-gray paintbrush that is listed as part of the federal endangered species list, not pebble plains habitat. And as also stated in the document on page 4-38, "It should be noted that CEQA requires all potentially significant impacts be avoided or substantially reduced prior to project approval, to the extent feasible." Therefore, it is absolutely necessary to reduce the impacts to this species below the level of significance. If not, and as this document and plan currently stands, the impact to ashy-gray paintbrush must be stated as "significant and unavoidable."

12-19 12) Forest edge impacts have not been properly stated nor mitigated for, especially given the lack of easily accessible and useable open space that would be available for residents of this proposed development. Lack of open space inside the development makes the nearby National Forest land, and

- 12-17 The comment conveys that the roadway should be redesigned to avoid conservation habitat. The comment cites a 5 Year Review by the USFWS from 2008, as well as the references therein. The PRDEIR No. 3 utilizes the most recent USFWS 5-Year Review from 2021 as a resource from which to forecast impacts. The comment effectively requests that the Project be redesigned to avoid what is perceived as “the middle of conservation habitat,” but fails to recognize that the Project itself has been designed to avoid 88% of the occurrences of ashy-gray Indian paintbrush. It should be noted that there are only 40 individual plants located within the roadway. The County directs the commenter to Response to Comment 12-16, which indicates that the metric of 100% avoidance is not the standard that the County perceives USFWS or the County itself must achieve to reach a level of less than significant. The protection in place of ashy-gray Indian paintbrush, as discussed under Response to Comment 12-16, would result in the preservation of 4.84 acres of ashy-gray Indian paintbrush will mitigate Project impacts on a 1.68:1 ratio, on an acreage basis. On an occurrence basis, the Project site contains 5,567 occurrences of ashy-gray Indian paintbrush with 88 percent, or 4,895 of the occurrences within the Project site that will be protected through permanent Conservation Easements designated within both lettered Lots A and H, which equates to a conservation on an occurrence basis of approximately 7:1. This is considered sufficient to achieve a level of less than significant with respect to the ashy-gray Indian paintbrush.
- 12-18 The comment references a quote that the commenter claims is false, but the commenter does not clarify what is false about the quote “though not necessary to reduce ashy-gray Indian paintbrush impacts to a level of less than significant.” The comment references quotations pertaining to pebble plains habitat extracted from the PRDEIR No. 3, and further relates this to an assertion that ashy-gray Indian paintbrush must be fully mitigated. The County finds this comment hard to follow, but believes that effectively, the commenter is relating the quote pulled from the PRDEIR No. 3 pertaining to pebble plain habitat to the impacts pertaining to ashy-gray Indian paintbrush. The 2010 Focused Special Status Plant Species Survey indicates that the ashy-gray Indian paintbrush mostly occurs in association with pebble plains habitat, but also basin sagebrush scrub, yellow pine, and lodgepole pine forest. On the Moon Camp property, ashy-gray Indian paintbrush occurs in the yellow pine forest (*Pinus jeffreyi*) plant community. Thus, the connection between pebble plains habitat and the presence of ashy-gray Indian paintbrush, is improperly correlated by the commenter in this comment. Furthermore, as stated under Response to Comment 11-7, the preservation of 4.84 acres of ashy-gray Indian paintbrush will mitigate Project impacts on a 1.68:1 ratio, on an acreage basis. On an occurrence basis, the Project site contains 5,567 occurrences of ashy-gray Indian paintbrush with 88 percent, or 4,895 of the occurrences within the Project site that will be protected through permanent Conservation Easements designated within both lettered Lots A and H, which equates to a conservation on an occurrence basis of approximately 7:1. 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.
- 12-19 The comment pertains to edge impacts that the commenter believes have not been adequately mitigated for. The substantiation for this claim is not provided by the commenter, particularly in regards to “lack of open space inside the development making the USFS land look like a ‘playground’.” Throughout the commenter’s comment letter, the commenter conveys concern over the open space easements, and the protections needed to prevent human disturbance within these spaces, in contrast to the commenter’s query here that additional open space is necessary to ensure that the residents of the Moon Camp Project do not utilize the USFS land as a “playground.” Because the commenter

does not provide any evidence that the residents or visitors of the Project site would, more than any other visitor of the Big Bear Valley, utilize the neighboring lands as a “playground,” the County denounces that there is substantial evidence to support that this would occur. Furthermore, as discussed throughout these Responses to Comments, the PRDEIR No. 3 focuses solely on the topics of Biological Resources (impacts to ashy-gray Indian paintbrush and pebble plain habitat), Hazards and Hazardous Materials (wildfire evacuation), and Land Use and Planning (consistency with the San Bernardino Countywide Plan). The analysis and CEQA determinations for topics that fall outside of the narrow focus of the PRDEIR No. 3 were deemed adequate by the Court, and therefore no longer warrant discussion or consideration beyond what was presented in the July 2020 FEIR, pursuant to CEQA Statute 15234(d).

Only new comments submitted on the recirculated portions of the PRDEIR No. 3 will be considered by the County. As an example, the comments in this comment letter pertaining to impacts on the edge impacts will not be considered in the responses to comments, because the Court determined that the impacts on such impacts were adequately analyzed in the July 2020 FEIR. Thus, the opportunity to comment on impacts determined to be adequate by the Court that were not the aforementioned focus of the PRDEIR No. 3 has concluded.

12-19
cont'd

the endangered plant habitat immediately adjacent to this project site look simply like a backyard playground. These edge impacts must be properly stated, analyzed and properly mitigated.

12-20

13) Conservation open space has a high probability of being seen as public open space for the residents. Even with signage and fences, it would be a constant issue to keep the conservation areas, including the shoreline near the eagle perch tree, free of human and pet disturbance. Separating this area from the homes by moving the road to avoid this area would make this open space less accessible to detrimental disturbance. This separation would entail moving the road and connecting it to the highway on the eastern side of the conservation area rather than through the middle of it.

12-21

14) As stated in the 5-year plan (Attachment B) on page 7, "the two primary threats identified at listing, urbanization and off-road vehicle use, continue to impact ash-grey (Indian) paintbrush. On private lands, development activities continue to threaten habitat and occurrences of the ash-grey (Indian) paintbrush. Among the threats identified in the final listing rule for this species were non-native species, and this threat still exists. Introduced species of grasses and forbs can displace ash-grey (Indian) paintbrush by competing for nutrients, water, light, and space." And on page 9, "Weedy plant invasions are facilitated by disturbances (71 FR 67712; Stephenson and Calcarone 1999) such as off-road vehicle use, urban and residential developments, and various recreational activities. In addition, fuels management activities, including vegetation removal and fire suppression activities, have the potential to facilitate non-native species introductions." These issues of development activities on the developable lots with ashy-gray paintbrush, and on the conservation lettered lots have not been addressed. What measures are planned to avoid and eliminate the issue of non-native plants in these areas?

Bald Eagle

12-22

As stated in the PRDEIR No. 3, the project would continue to have Significant, Unavoidable impacts on the bald eagles. Also as stated in the document on page page 4-38, "It should be noted that CEQA requires all potentially significant impacts be avoided or substantially reduced prior to project approval, to the extent feasible." According to the document <https://cbop.audubon.org/conservation/human-activity-and-disturbances-near-active-bald-eagle-nests> eagles can be most disturbed where they forage and eagles are most vulnerable to disturbance early in the nesting period, i.e. during courtship, nest building, egg laying, incubation, and brooding. With the nest within less than a mile of this shoreline, it should be noted that "a decrease in productivity, or nest abandonment are a violation of the federal Bald and Golden Eagle Protection Act." This violation has not been accounted for in the overall

- 12-20 The commenter raises a concern that the Conservation Easements would not be sufficient to prevent poor human behavior from resulting in disturbance within the Conservation Easements. The commenter refers to the concept that the roadway should be moved to further protect the ashy-gray Indian paintbrush. The movement of the roadway has been fully addressed under Response to Comment 12-17. Furthermore, as discussed under Response to Comment 11-6, MM **BR-1c** would limit access to the Conservation Areas through the installation of barriers around these areas. This, in and of itself, would ensure that the 88% of ashy-gray Indian paintbrush occurrences are preserved, by minimizing the potential for unauthorized human activity within these conservation areas. Furthermore, the provisions of MM **BR-1b** would implement the Long Term Management Plan, which designates a Conservation Easement Manager that would effectively oversee that MM **BR-1c** are properly implemented, thereby not leaving the enforcement solely to the whims of human behavior.
- 12-21 The comment conveys concern over non-native plant invasion that could adversely impact ashy-gray Indian Paintbrush. Response to Comment 11-11 indicates that the Draft Long Term Management Plan (Appendix 11) specifies that the Conservation Easement Manager must provide an annual report on the rare plants on the Moon Camp property, which would include a reporting of any damage to the habitat resulting from invasive plants. Remediation actions, such as invasive species management, through maintenance would be managed through the Rare Plant Habitat Management Program, and would be performed on a monthly basis.

Outside of the Conservation Easements identified above, as described under Response to Comment 12-11, 10-3, and 11-7, the conservation of ashy-gray Indian paintbrush outside of the Conservation Easements established on site are not necessary to fully mitigated the Projects' impacts on ashy-gray Indian paintbrush. The implementation of MM **BR-1d** is not required to achieve a level of less than significant, as has been discussed in prior responses to comments. MM **BR-1d** is solely intended to facilitate further protections to this species above and beyond the identified on-site conservation, wherever feasible. Thus, the protection of this species on site outside of the Conservation Easements established on site from invasive plants is not necessary to minimize impacts to this species to a level of less than significant and commenter's requests for additional discussion regarding development activity is not necessary.

- 12-22 The comment conveys concern over the impacts on bald eagle from implementation of the proposed Project, and quotes the PRDEIR No. 3 noting *"that CEQA requires all potentially significant impacts be avoided or substantially reduced prior to project approval, to the extent feasible."* The sentence that follows this quote on page 4-38 notes that *"As previously noted, the Project is likely to result in significant unavoidable impacts to the 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 noise impacts are considered a significant impact under CEQA. This threshold is so restrictive that there is no reasonable configuration to the Moon Camp 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."* Importantly, this is the same language that was utilized in the July 2020 FEIR. As discussed in the introduction to these responses to comments, and under Response to Comment 2-1, the PRDEIR No. 3 focuses solely on the topics of Biological Resources (impacts to ashy-gray Indian paintbrush and pebble plain habitat), Hazards and Hazardous Materials (wildfire evacuation), and Land Use and Planning (consistency with the San Bernardino

Countywide Plan). The analysis and CEQA determinations for topics that fall outside of the narrow focus of the PRDEIR No. 3 were deemed adequate by the Court, and therefore no longer warrant discussion or consideration beyond what was presented in the July 2020 FEIR, pursuant to CEQA Statute 15234(d).

Only new comments submitted on the recirculated portions of the PRDEIR No. 3 will be considered by the County. As an example, the comments in this comment letter pertaining to impacts on the bald eagle will not be considered in the responses to comments, because the Court determined that the impacts on bald eagle were adequately analyzed in the July 2020 FEIR. Thus, the opportunity to comment on impacts determined to be adequate by the Court that were not the aforementioned focus of the PRDEIR No. 3 has concluded.

impacts. There are additional changes to the project that could serve to avoid more impacts to the bald eagle that have not been done to help avoid a violation of this law.

12-22
cont'd

- 1) Eliminating Lots 1-3 of the project and adding that area to Lot A for conservation would allow for additional bald eagle perch trees to be included in the conservation area.
- 2) The LTMP must be included as part of the adoption of this project and the requirements in the LTMP must be upgraded to include accounting for nesting and year-round bald eagles rather than only wintering eagles.
- 3) BR-8 regarding motorized boating only serves the wintering population of bald eagles and not the year-round population and nesting bald eagles since the impacts would continue to be adverse and significant so long as the shoreline area is being used for parking and a marina with motorized boating during the summer months.

Land Use Planning

12-23

- 1) RTP/SCS/Connect SoCal Goal 10: Since the project would have an unavoidable adverse impact to bald eagles, this goal of promoting the conservation of natural resources and of restoration of natural habitats is absolutely NOT met by the project. In addition, since much of the ashy-gray paintbrush located on the project site would be destroyed by development of the project and since the mitigations offered do not serve to lower the impact to this species below the level of significance, this goal again is not being met by this project.

12-24

- 2) Policy LU-2.3 Compatibility with natural environment: Having housing planned to be on top of existing endangered species and habitat and building a road through the proposed conservation area makes this Moon Camp project definitely not compatible with the natural environment. The mitigations offered both for the ashy-gray paintbrush and for the bald eagle leave it so that both are left with the project creating unavoidable significant impacts. This situation makes it completely contrary to being compatible with the natural environment.

12-25

- 3) Policy LU-2.8 Rural lifestyle in the Mountain/Desert regions: 50 large homes, along with streetlights, sidewalks and many of the other things planned for this project are not consistent with the current area of Fawnskin nor with the existing housing element in Fawnskin and therefore does not match the rural lifestyle of this area.

12-26

- 4) Policy NR-5.8 Invasive species: There are no mitigations or HOA regulations or anything in the Moon Camp plans that do anything to eliminate or avoid the

12-23 The comment alleges that the goal of promoting conservation of natural resources and restoration of natural habitats is not met due to significant and unavoidable impacts on bald eagle, and ashy-gray Indian paintbrush. First, the commenter alleges that “much of the ashy-gray Indian paintbrush will be destroyed” by the implementation of the Project. Further the commenter alleges that the Project would result in significant and unavoidable impacts on ashy-gray Indian paintbrush. In regards to the first assertion, throughout these Responses to Comments and in the PRDEIR No. 3, the County has provided substantial evidence that the Project would only impact 12% of the ashy-gray Indian paintbrush occurrences on site, with the remaining 88% of the ashy-gray Indian paintbrush occurrences on site protected through the establishment of Conservation Easements. Thus, it is false to presume that “most” of this species would be extirpated by the Project. A fundamental goal of redesigning the Project as part of the 2011 RRDEIR No. 2 was to avoid development in the areas of the highest concentrations of ashy-gray Indian paintbrush. Throughout these Responses to Comments, particularly in Response to Comment 10-3, the County has demonstrated that the impacts to the ashy-gray Indian paintbrush would be less than significant with the implementation of mitigation. Thus, the County disagrees that the Project would result in destruction of ashy-gray Indian paintbrush outside of that which has been disclosed throughout the PRDEIR No. 3 analysis and herein.

The comment alleges that Connect SoCal Goal 10 cannot be met by the Project due to significant and unavoidable impacts to bald eagles. The County, utilizing its authority under CEQA, reviewed the analysis regarding Connect SoCal Goals and San Bernardino Countywide Plan Goals and Policies in circulating this PRDEIR No. 3 for public review. A Court case based in San Bernardino County—Joshua Tree Downtown Business Alliance v. County of San Bernardino is 1 Cal.App.5th 677 (2016) (Case No. E062479)—found that, the language utilized in, in this case the County’s General Plan, are “precisely the sort of amorphous policy terms that give a local agency some discretion.”⁹ In this case the Connect SoCal Goal 10 utilizes the term “promote” conservation of natural resources and agricultural lands and restoration of habitats. It does not mandate that every Project achieve each and every one of these principals without significantly impacting any of the above resources. It promotes these principals in that it is at the lead agency’s discretion to determine what consistency with these goals and policies looks like. In the case of the Moon Camp Project, the San Bernardino Countywide Plan has designated the Project site for Very Low Density Residential (VLDR) use, which presumes that the site may be developed under this land use designation at some point in time. The analysis provided in response to this policy notes that the Project has incorporated the principal of conservation into the site plan, including preservation of many, though not all bald eagle perch trees, and through the Conservation Easements that would protect ashy-gray Indian paintbrush. The County recognizes that, based on the San Bernardino County’s threshold regarding removal of perch trees for bald eagle, the Project would result in a significant and unavoidable impact on bald eagle, but this does not preclude the Project from being consistent with this Connect SoCal Goal, as determined in the PRDEIR No. 3.

12-24 The comment alleges that Project cannot be consistent with the Countywide Policy LU-2.3, compatibility with the natural environment. The comment further argues again that the

⁹ Miller Starr Regalia, 2016. Court Rejects General Plan Consistency Challenge Regarding City’s Approval of Franchise Retail Store Where Applicable Economic Development Goals and Policies are Alleged to Favor Small, Independent Businesses. <https://www.landusedevelopments.com/2016/07/court-rejects-general-plan-consistency-challenge-regarding-citys-approval-franchise-retail-store-applicable-economic-development-goals-policies-alleged-favor-small-indep/> (Accessed 04/10/24)

Project would result in significant and unavoidable impacts on ashy-gray Indian paintbrush. This part of this comment was responded to fully under Response to Comment 12-23, above. As referenced above, a Court case based in San Bernardino County—Joshua Tree Downtown Business Alliance v. County of San Bernardino is 1 Cal.App.5th 677 (2016) (Case No. E062479)—found that, because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes. In this case, the County has, in its discretion as the Lead Agency over its Countywide Plan, interpreted that the proposed Project has been designed to be compatible with the natural environment through establishment of Conservation Easements, retainment of many bald eagle perch trees, no development along the Big Bear Lake shoreline, and compliance with the VLDR land use designation. Once again, the San Bernardino Countywide Plan has designated the Project site for VLDR use, which presumes that the site may be developed under this land use designation at some point in time, and the County has judged that the proposed Development, consistent with the VLDR land use designation, is consistent with Policy LU-2.3.

- 12-25 The comment disagrees with the analysis in the PRDEIR No. 3 that the development would be consistent with the rural lifestyle of the Community of Fawnskin. Please refer to Responses to Comments 12-23 and 12-24, above. The County has exercised its discretion as the Lead Agency over its Countywide Plan, interpreted that the proposed Project, particularly as it would comply with the Countywide Plan’s land use designation and the County’s zoning classification (Bear Valley/Single Residential–20,000 SF Minimum (BV/RS-20M)) for this Project site, that the Project would be consistent with Policy LU-2.8 related to compatibility with the rural lifestyle in the Mountain region.
- 12-26 The comment alleges that the Project would not be consistent with Policy NR-5.8, which requires the use of non-invasive plant species and encourages the management of existing invasive species that degrade ecological function. Firstly, the commenter alleges that the Project could not eliminate or avoid the introduction of invasive species. The Policy encourages the management of existing invasive species, and does not pertain to ongoing management of invasive species as the commenter suggests in this comment. Regardless, refer to Responses to Comments 12-21 and 11-11, which reiterate that, the Draft Long Term Management Plan (Appendix 11) specifies that the Conservation Easement Manager must provide an annual report on the rare plants on the Moon Camp property, which would include a reporting of any damage to the habitat resulting from invasive plants. Remediation actions, such as invasive species management, through maintenance would be managed through the Rare Plant Habitat Management Program, and would be performed on a monthly basis. Thus, invasive species management has been considered and would be feasible, as demonstrated herein.

12-26
cont'd

introduction of Invasive species into the landscaping of the homes that would be on this property. This project is not consistent with this policy.

12-27

5) Policy RE-1.1: The PRDEIR claims that the project is consistent with this policy but there are no mitigations nor HOA requirements

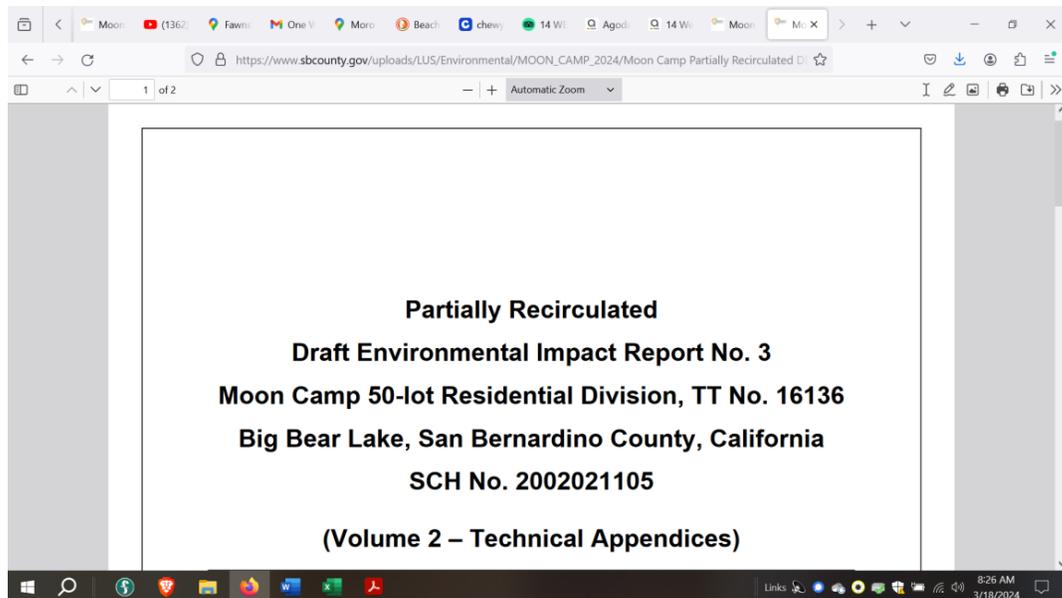
12-28

Moving forward with this proposed project continues to have unmitigated significant adverse impacts on protected species, both bald eagles and ashy-gray paintbrush. In addition, this project is inconsistent with several of the county's stated policies and goals for land use and approval of a development project.

We also request an extension of the public comment period since Volume 2, the Technical Appendices, are not available on the County website containing the environmental documents for this project. When I tried to obtain access to these documents to find answers to some questions and concerns I have regarding this PRDEIR No. 3, I emailed Mr. Morrissey, the planner in charge of this project. His automatic return email said that he was out of the office and would not return until March 19, which is after the close of the public comment period. It said to email Mr. Steven Valdez, which I did. I received another automatic reply saying that Mr. Valdez no longer works for the County and referred me to Mr. Liang. When I called Mr. Liang at the number provided, the message said that he was working remotely and to please call his cell phone or email. I have done both and not received any response.

Here are screenshots of the 2-page document that opens from the link provided on the County website: the figures show page 1 of 2 and page 2 of 2.

12-29



12-29
cont'd

County of San Bernardino
Moon Camp Partially Recirculated Draft EIR No. 3

TABLE OF CONTENTS

Volume 1 – PARTIALLY RECIRCULATED DRAFT EIR NO. 3 (under separate cover)

Volume 2 – TECHNICAL APPENDICES

Appendix 1	2020 FEIR
Appendix 2	2006 FEIR
Appendix 3	2010 DEIR No. 1
Appendix 4	2011 DEIR No. 2
Appendix 5	2010 Supplemental Focused Special Status Plant Species Survey
Appendix 6	2008 Supplemental Focused Rare Plant Survey
Appendix 7	2016 Ashy-Grey Indian Paintbrush Survey Update
Appendix 8	2018 ELMT Bio Database Tech Review
Appendix 9	2023 Moon Camp CACI Mitigation Review
Appendix 10	2018 Jurisdictional Delineation Update Memo
Appendix 11	Moon Camp Long-Term Management Plan 08-15-19

Sincerely,

Sandy Steers

Cc: Babak Naficy

Attachments:

Attachment A – Map: mc pebble plain map.pdf

Attachment B – Report: Ash-grey (Indian) Paintbrush
(*Castilleja cinerea*) 5-Year Review—March 2008

- 12-27 The commenter alleges that the Project would not be consistent with RE-1.1 because there are no mitigations in place to enforce the design attributes and elements of the Project that are intended to conserve energy. The mechanism in place to ensure compliance with the design attributes is that the CEQA documentation has been modeled utilizing several assumptions regarding the energy efficiency objectives listed in response to Policy RE-1.1, on pages 4-98 and 4-99 of the PRDEIR No. 3. If changes are made to the Project design, these changes must be reviewed by the County and in light of the analysis presented in the CEQA Documentation, and if substantial changes are proposed, a follow on CEQA document would need to be prepared to address these changes. Again, here the County has, in its discretion as the Lead Agency over its Countywide Plan, interpreted that the proposed Project is consistent with the energy conservation and energy efficiency measures identified in the County of San Bernardino Greenhouse Gas Emissions Reduction Plan.
- 12-28 The comment conveys that the Project would be inconsistent with the County's land use goals and policies, and would result in significant and unavoidable adverse impacts on bald eagle and ashy-gray Indian paintbrush. As demonstrated throughout these Responses to Comments, the County has judged the Project's as consistent or not in conflict with the applicable Countywide Plan goals and policies, and the Connect SoCal goals. Furthermore, as demonstrated throughout these Responses to Comments, the impacts to ashy-gray Indian paintbrush were determined to be less than significant *"through site design and the implementation of MMs **BR-1b** and **BR-1c**, which establish and ensure the permanent preservation of on-site conservation easements that would protect 88 percent of the ashy-gray Indian paintbrush within the Moon Camp Project site, thereby resulting in mitigation protecting the species at an approximately 7:1 ratio on an on-site plant occurrence basis, and on an acreage basis at a 1.68:1 ratio. Furthermore, the proposed project would protect up to an additional 127 species through the implementation of MM **BR-1d** by restricting the building envelopes or building setback lines to prevent construction in the occupied ashy-gray Indian paintbrush habitat. Finally, to ensure adherence with USFWS recommendations for reducing threats to and providing conservation for the ashy-gray Indian paintbrush, and thereby mitigation impacts to the species, MM **BR-1a** would establish a seed collection program to conserve the ashy-gray Indian paintbrush seed for the up to 672, or as few as 545 affected occurrences of the species on-site. The above-described implementation of mitigation measures would facilitate not only protection of the species in place on site totaling at least 88% of on-site occurrences, but would also preserve the existence of the species through genetic conservation by way of a seed collection. Thus, the impacts to ashy-gray Indian paintbrush would be fully mitigated through adherence to the provisions of the USFWS recommendations for conservation and protection of the species, thereby impacts to ashy-gray Indian paintbrush are collectively concluded to be less than significant."* Page 4-27 of the PRDEIR No. 3.

The focus of PRDEIR No. 3 impacts related to Biological Resources (impacts to ashy-gray Indian paintbrush and pebble plain habitat), Hazards and Hazardous Materials (wildfire evacuation), and Land Use and Planning (consistency with the San Bernardino Countywide Plan). The analysis and CEQA determinations for topics that fall outside of the narrow focus of the PRDEIR No. 3 were deemed adequate by the Court, and therefore no longer warrant discussion or consideration beyond what was presented in the July 2020 FEIR, pursuant to CEQA Statute 15234(d). Thus, impacts to bald eagle were deemed fully adequate by the Court and therefore remain significant and unavoidable.

12-29 Please refer to Response to Comment 11-13. This comment requests an extension of the comment period due to the commenter's inability to access the Appendices. The Appendices have been available on the County's website, but there appears to be some confusion. The Appendices were not compiled into one singular PDF because the documents were incredibly large files. The County posted a Volume II Table of Contents, with the remaining Appendices labeled and made available as independent files. No extension of the comment period shall be granted. The comment is noted, and will be made available to the County decision-makers as part of the RFEIR package prior to a decision on the proposed Project.

**Ash-grey (Indian) Paintbrush
(*Castilleja cinerea*)**

**5-Year Review:
Summary and Evaluation**



**U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
Carlsbad, California**

March 2008

5-YEAR REVIEW
Ash-grey (Indian) Paintbrush/*Castilleja cinerea*

1. GENERAL INFORMATION

1.1. Reviewers

Lead Regional or Headquarters Office: Diane Elam and Jenness McBride, Region 8, California and Nevada, 916-414-6464

Lead Field Office: Karen A. Goebel and Jesse Bennett, Carlsbad Fish and Wildlife Office, 760-431-9440

1.2. Methodology used to complete the review

This review was compiled by Jesse Bennett of the Carlsbad Fish and Wildlife Office (CFWO), U.S. Fish and Wildlife Service (USFWS), and considered available literature, office files, and discussions with researchers or lands managers whose expertise includes the ash-grey (Indian) paintbrush.

1.3. Background

1.3.1. FR Notice citation announcing initiation of this review

The notice announcing the initiation of this and other 5-year reviews and opening of the comment period for 60 days was published on February 14, 2007 (72 FR 7064). We did not receive any information specific to ash-grey (Indian) paintbrush, but we did receive one general comment letter supporting continued protection under the Endangered Species Act of 1973 (Act), as amended, of all species noticed in this announcement.

1.3.2. Listing history

Original Listing

FR notice: 63 FR 49006

Date listed: September 14, 1998

Entity listed: species; Ash-grey (Indian) Paintbrush (*Castilleja cinerea*)

Classification: threatened

1.3.3. Associated rulemakings

Critical habitat has been designated for this species.

FR notice: 72 FR 73092

Date designated: December 26, 2007

1.3.4. Review History

No comprehensive status reviews have been conducted for this species.

1.3.5. Species' Recovery Priority Number at start of 5-year review

The species' Recovery Priority Number was reported as a value of "8" in the 2007 Recovery Data Call for the Carlsbad Fish and Wildlife Office. This number indicates that the species has a moderate degree of threat and a high potential for recovery.

1.3.6. Recovery Plan or Outline

No draft or final recovery plan has been developed.

2. REVIEW ANALYSIS

2.1. Application of the 1996 Distinct Population Segment (DPS) policy

2.1.1. Is the species under review a vertebrate?

No. The Endangered Species Act defines species as including any subspecies of fish or wildlife or plants and any distinct population segment of any species of vertebrate wildlife. This definition limits listings as distinct population segments (DPS) only to vertebrate species of fish and wildlife. Because the ash-grey (Indian) paintbrush is a plant and the DPS policy is not applicable, the application of the DPS policy to the species listing is not addressed further in this review.

2.2. Recovery Criteria

2.2.1. Does the species have a final, approved recovery plan containing objective, measurable criteria?

No, there is no recovery plan for this species.

2.3. Updated Information and Current Species Status

Ash-grey (Indian) paintbrush was federally listed as threatened in 1998. In 2002, the U.S. Forest Service (USFS) updated their Pebble Plain Habitat Management Guide (USFS 2002). In 2005, the USFS completed a species viability analysis and biological assessment for ash-grey (Indian) paintbrush (USFS 2005). These documents are the primary sources of new information for ash-grey (Indian) paintbrush relevant to this 5-year review.

2.3.1. Biology and Habitat

Life History

Ash-gray (Indian) paintbrush is a semi-parasitic perennial plant with several ascending to decumbent (reclining on the ground) grayish stems sprouting from the root-stem. These stems are 4-8 inches (in.) (10.2-20.3 centimeters (cm)) tall. The flower stalk is usually yellow-green (sometimes reddish-orange) with yellow hairs on the lower bracts. The calyx is almost equally divided into linear lobes; the corolla is yellowish (63 FR 49006). Ash-gray paintbrush is distinguished from other *Castilleja* in its range by short-haired stems and leaves, yellowish flowers, calyx lobes of equal length, and its perennial nature (63 FR 49006).

Ash-gray paintbrush is usually found on pebble plain habitat, but it can be found in other areas including upper montane coniferous forest, meadows, and pinyon/juniper woodlands (USFS 2002). Species associated with ash-gray paintbrush on pebble plain habitat include black sagebrush (*Artemisia nova*), southern mountain buckwheat (*Eriogonum kennedyi* var. *austromontanum*), fleabane daisy (*Erigeron aphanactis*), and pine bluegrass (*Poa secunda* ssp. *secunda*). Pebble plains are characteristically treeless openings within surrounding montane pinyon-juniper woodland or coniferous forest with clay soils covered with quartzite pebbles. They have extremely low infiltration rates and high runoff potentials (63 FR 49006). The surface of undisturbed pebble plain habitat is about 31-38 percent vegetation, 15 percent plant litter, 45-47 percent rock pavement, and 0.89-1.2 percent bare soil (USFS 2002). Most occurrences are at elevations between 6,000 to 9,500 feet (ft) (1,288.8 to 2,895.6 meters (m)) (63 FR 49006).

During 2001 surveys, the USFS documented 73 species associated with pebble plain habitat (USFS 2002). Many of the associated species found were narrowly distributed, while others were disjunct occurrences of species found north and south of the San Bernardino Mountains (USFS 2002).

Spatial Distribution

According to the final listing rule, ash-grey (Indian) paintbrush was known from fewer than 20 localities in San Bernardino County, mostly on pebble plains, but also from several localities in pine forest habitats near the Snow Valley Ski area, along Sugarloaf Ridge (part of the Sawmill Complex), and in the vicinity of Lost Creek (within the area now referred to as the Grinnell Ridge Complex) (63 FR 49006). These localities were discussed as generally encompassed by 13 pebble plain complexes and other areas that support ash-grey (Indian) paintbrush (63 FR 49006).

According to the rule proposing critical habitat for ash-grey (Indian) paintbrush and other pebble plains species, ash-grey (Indian) paintbrush was also known in the 1970s, prior to the time of listing, to occur on pebble plains within the area now referred to as the Fawnskin Complex and in non-pebble plain meadow margin habitat adjacent to Big Bear and Baldwin lakes (71 FR 67712). While these areas were not identified in the final

listing rule, we consider them to be occupied at the time of listing based on pre-listing occupancy records in our files (71 FR 67712) and included these areas in our final designation of critical habitat (72 FR 73092).

Currently, ash-grey (Indian) paintbrush is known to occur in 11 pebble plain complexes and several non-pebble plain habitat areas (Figure 1). The pebble plain complexes supporting ash-grey (Indian) paintbrush include Arrastre/Union Flat, Big Bear Lake, Broom Flat, Fawnskin, Gold Mountain, Holcomb Valley, North Baldwin Lake, Sawmill, Snow Valley, South Baldwin Ridge/Erwin Lake and Sugarloaf Ridge (72 FR 73092, USFWS 2005). While the pebble plain in the Grinnell Ridge Complex was thought to be occupied by ash-grey (Indian) paintbrush at the time of listing, the area was last surveyed in 1994, and we are unable to determine whether this area is currently occupied (71 FR 67712). Ash-grey (Indian) paintbrush occurs in non-pebble plain habitat in pine forests near the Snow Forest Ski Area, along Sugarloaf Ridge, and in the vicinity of Lost Creek (71 FR 67712).

Abundance

Ash-grey (Indian) paintbrush occurs in a mosaic distribution among the various pebble plain complexes. The distribution may change locally over time, but generally extends throughout a pebble plain complex. In the final rule listing ash-grey (Indian) paintbrush as a federally threatened species, it was estimated that there were 700 acres (ac) (283.3 hectares (ha)) of historical pebble plains habitat and 545 ac (220.6 ha) of remaining pebble plains habitat (63 FR 49006). These estimates of habitat were based on the work by Derby (1979 cited in USFS 2002), which characterized pebble plain habitat as having two indicator species, Bear Valley sandwort (*Arenaria ursina*) and southern mountain buckwheat.

However, since the listing of the species, USFS botanists have documented several new occurrences of habitat that have only one or none of these indicator species (USFS 2002). The 2002 Pebble Plain Habitat Management Guide (USFS 2002) uses the more recent work by the USFS to define pebble plain habitat using a point system based on plant indicator species and soils. Based on this system, the San Bernardino National Forest supports about 3,322 ac (1,344.4 ha) of pebble plain habitat and private land supports about 666 ac (269.5 ha) (USFS 2002). More specifically, recent data indicates that there are about 1,973 ac (798.5 ha) of ash-grey (Indian) paintbrush occupied habitat remaining, with 1,622 ac (656.4 ha), or about 82 percent, on San Bernardino National Forest lands; 290 ac (117.4 ha), or about 15 percent, on private lands; 48 ac (19.4 ha), or about 2 percent, on municipal lands and special districts; and 13 ac (5.3 ha), or less than 1 percent, on State lands (J. Bill pers. comm. 2007).

Due to this change in definition of what constitutes pebble plain habitat, it is not possible to determine quantitatively if there has been a change in the number of acres of pebble plain habitat known to be occupied by the ash-grey (Indian) paintbrush since the species was listed. However, the USFS indicates that populations are declining due to recreation,

existing roads and trails, mining, prospecting, cattle trespass, target shooting, unauthorized off-road driving, and urbanization (USFS 2005).

Taxonomy

At listing ash-grey (Indian) paintbrush was considered to be in the Scrophulariaceae (figwort) family. Recent taxonomic studies have placed the genus *Castilleja* and other plant genera formerly in the Scrophulariaceae into the Orobanchaceae (broomrape) family (Olmstead *et al.* 2001).

2.3.2. Five-Factor Analysis (threats, conservation measures, and regulatory mechanisms)

2.3.2.1. Present or threatened destruction, modification or curtailment of its habitat or range

The final rule listing the ash-grey (Indian) paintbrush (63 FR 49006) describes the major threats to this and other species confined to pebble plains habitats as habitat destruction, degradation, and fragmentation resulting from urbanization, off-road vehicle activity, alteration of hydrological conditions, fuelwood harvesting, and mining. While not identified in the final listing rule, fuelbreaks for fire suppression have also damaged pebble plain habitat (USFS 2002).

The most significant and persistent threat to pebble plains habitat identified in the final listing rule was off-road vehicle activity (63 FR 49006). Off-road vehicle activity and urbanization are the primary threats still affecting the ash-grey (Indian) paintbrush (S. Eliason *in litt.* 2006; USFWS 2005). Urbanization directly removes ash-grey (Indian) paintbrush and can also increase public access and off-road driving (S. Eliason *in litt.* 2006). Development is identified as an ongoing threat at the North Baldwin Lake, South Baldwin Ridge/Erwin Lake, Big Bear Lake, Fawnskin, Sawmill, and Gold Mountain complexes (USFS 2002).

The primary cause of habitat degradation on the San Bernardino National Forest is unauthorized off-road vehicle use (USFWS 2005). Additional lesser threats include road use and maintenance, mining, and dispersed recreation (S. Eliason *in litt.* 2006; USFWS 2005). Vehicles cause considerable damage to ash-grey (Indian) paintbrush habitat. All of the pebble plain complexes have some degree of impact associated with the authorized and unauthorized use of vehicles and associated maintenance and/or recreational activities (USFS 2002).

In the final rule to list the species, we noted that pebble plains are very susceptible to damage during spring thaw (63 FR 49006). During the wet season, vehicles both directly destroy plants and create deep ruts that change the water flow patterns over the pebble plains, potentially indirectly affecting plants (63 FR 49006). Vehicular activity also favors the establishment of species more tolerant of disturbance, potentially altering the composition of the plant community over time (Stephenson

and Calcarone 1999). Non-native species are specifically identified as a concern in the Fawnskin, Arrastre/Union Flat, Sawmill, North Baldwin Lake, South Baldwin Ridge/Erwin Lake, and Broom Flat complexes in the Pebble Plain Habitat Management Guide (USFS 2002). Finally, vehicular activity can result in soil compaction and can cover individuals with dust and mud that can impair physiological functions (USFWS 2005; USFS 2002).

The USFS has instituted numerous protective measures and land designations to increase protection of ash-grey (Indian) paintbrush since its listing. Some measures such as fencing, signage, and monitoring have been in place since listing. Barriers and signs are placed to direct recreational use away from this species (USFS 2002). In 1999, eight road segments that were affecting pebble plain habitat were decommissioned. The USFS has also been conducting monitoring to ensure that conservation measures are effective. Special use permit events have been relocated or modified to avoid effects to ash-grey (Indian) paintbrush. Further, the Mountaintop Ranger District has been closed to dispersed shooting, so the potential threat of trampling from shooters should be eliminated. Seeding and monitoring have occurred since the 1980's following unauthorized dozer use in the North Baldwin Pebble Plain. Erosion has been controlled and the habitat is slowly revegetating (USFS 2005). The USFS acquired about 23 ac (9.3 ha) of ash-grey (Indian) paintbrush habitat at Broom Flat (USFWS 2005).

To reduce the potential for fire suppression activities to impact pebble plain habitat, the San Bernardino National Forest has a fire suppression plan specific to this habitat. Fire personnel are trained to identify pebble plain habitat and to use suppression techniques that reduce or prevent soil disturbance. A notebook with habitat maps and suppression plans has been distributed to fire personnel annually (USFS 2005). However, in October of 2003, a 0.25 mi (0.4 km) portion of the Fawnskin Pebble Plain Habitat Complex was bulldozed by accident as an emergency fuelbreak for the Old Fire. Suppression rehabilitation was completed in December 2003. Long-term effects to habitat are unclear (USFS 2005).

In 2005, non-jeopardy biological and conference opinions (FWS-773.9) were issued that addressed the Revised Land Management Plans for the four southern California national forests. These plans included strategic direction in the form of land use zoning and standards. The land use zoning and standards indicated that for projects under the plans: 1) ongoing activities will be neutral or beneficial to certain areas with ash-grey (Indian) paintbrush, 2) new activities will be neutral or beneficial to ash-grey (Indian) paintbrush, and 3) expansion of existing facilities or new facilities will focus recreational use away from ash-grey (Indian) paintbrush. Exceptions were included in the plans for fuel treatments in wildland-urban interface areas and to allow for projects with short-term effects and long-term benefits (USFWS 2005).

In addition to the adoption of land use zoning and standards, the USFS also proposed the Arrastre and Wildhorse Research Natural Areas, which cover about 469 ac (189.8 ha) of ash-grey (Indian) paintbrush occupied habitat (USFS 2005). If designated,

these areas will be subject to the USFS policy for Research Natural Areas, which indicates that “Research Natural Areas may only be used for research, study, observation, monitoring, and those educational activities that maintain unmodified conditions” (USFWS 2005).

In summary, two primary threats identified at listing, urbanization and off-road vehicle use, continue to impact ash-grey (Indian) paintbrush. On private lands, development activities continue to threaten habitat and occurrences of the ash-grey (Indian) paintbrush. Likewise, on the San Bernardino National Forest off-road vehicle use is still negatively impacting pebble plain habitat supporting ash-grey (Indian) paintbrush. While these threats have not been eliminated since the listing of the species, impacts to pebble plain habitat on USFS lands has decreased due to significant efforts by this agency to implement habitat protection measures.

2.3.2.2. Overutilization for commercial, recreational, scientific, or educational purposes

The final rule listing ash-grey (Indian) paintbrush and six other plant taxa from the southern California mountains indicated that some of the taxa may have become vulnerable to collecting by curiosity seekers as a result of the increased publicity following publication of the proposed rule. A survey of the collections of a herbarium showed increases in the numbers of collections of ash-grey (Indian) paintbrush and other pebble plain taxa following publication of an article describing this new habitat type (63 FR 49006). However, we have no information on collection of this species since its listing.

2.3.2.3. Disease or predation

Disease and predation are not known to be factors affecting ash-grey (Indian) paintbrush.

2.3.2.4. Inadequacy of existing regulatory mechanisms

State Protections

Ash-grey (Indian) paintbrush is not listed under the California Endangered Species Act (CESA). Thus, the CESA and the Native Plant Protection Act (NPPA) provide no protection for this species. The only State law providing any potential protection to ash-grey (Indian) paintbrush is the California Environmental Quality Act (CEQA).

The CEQA is the principal statute mandating environmental assessment of projects in California. The purpose of the CEQA is to evaluate whether a proposed project may have an adverse effect on the environment and, if so, if that effect can be reduced or eliminated by pursuing an alternative course of action or through mitigation. The CEQA applies to projects proposed to be undertaken or requiring approval by State and local public agencies (<http://www.ca.gov/state/portal>).

Ash-grey (Indian) paintbrush is on the California Native Plant Society (CNPS) Inventory as List 1B. Under the CEQA, impacts to List 1B plants are considered significant and must be addressed. If significant effects are identified, the lead agency has the option of requiring mitigation through changes in the project or to decide that overriding considerations make mitigation infeasible (CEQA Sec. 21002). However, the CEQA does not guarantee that conservation projects will be implemented. Protection of listed species through the CEQA is dependent upon the discretion of the lead agency involved.

Federal Protections

The National Environmental Policy Act (NEPA) may provide some protection for ash-grey (Indian) paintbrush for projects with a Federal nexus. NEPA requires that the planning process for Federal actions be documented to ensure that effects on the environment are considered. The NEPA process is intended to help public officials make better decisions based on an understanding of the environmental consequences of their actions and to take actions to protect, restore, and enhance the environment (40 CFR 1500.1). Carrying out the NEPA process ensures that agency decision makers have information about the environmental effects of Federal actions and information on a range of alternatives that will accomplish the project purpose and need.

For environmental impacts that are significant, the Federal agency must identify means to mitigate these impacts (40 CFR 1502.16). For projects undertaken, funded, or authorized by Federal agencies, the NEPA would at least require that any significant adverse impacts to the human environment, including impacts to the natural and physical environment (40 CFR 1508.14), be considered. Projects that are mandated to comply with the NEPA may provide some consideration of impacts to ash-grey (Indian) paintbrush and its habitat.

The Endangered Species Act is the primary Federal law providing protection for the ash-grey (Indian) paintbrush. Beyond the actual listing of the species, these protections for ash-grey (Indian) paintbrush are afforded particularly through sections 7 and 9 of the Act. Section 7 of the Act requires Federal agencies to insure that any action authorized, funded, or carried out by them is not likely to jeopardize the continued existence of listed species or modify their critical habitat. Section 7 also encourages Federal agencies to use their authorities to carry out programs for the conservation of listed species. Section 9 of the Act also prohibits the removal, damage, or destruction of listed plants on Federal lands and on other areas in knowing violation of any State law or regulation or State criminal trespass law.

The USFWS has addressed some projects through section 7 consultations with the USFS. In 2001, non-jeopardy biological and conference opinions (1-6-99-F-25) were issued addressing the impacts of Land and Resource Management Plan program direction and activities that were occurring in ash-grey (Indian) paintbrush habitat

(USFWS 2001). The primary activities occurring included roads, utility corridors, and dispersed recreation. In 2005, non-jeopardy biological and conference opinions (FWS-773.9) were issued that addressed the Revised Land Management Plans for the four southern California national forests as described more fully above under factor A.

In summary, while both CEQA and NEPA may provide some discretionary conservation benefit to ash-grey (Indian) paintbrush, the Act is the primary regulatory mechanism mandating ash-grey (Indian) paintbrush conservation. With the majority of suitable and occupied habitat on USFS lands, the Act remains the primary regulatory mechanism for ensuring that the ash-grey (Indian) paintbrush is addressed during planning efforts for land management actions potentially affecting this species.

2.3.2.5. Other natural or manmade factors affecting its continued existence

Among the threats identified in the final listing rule for this species were non-native species, and this threat still exists. Introduced species of grasses and forbs can displace ash-grey (Indian) paintbrush by competing for nutrients, water, light, and space. Weedy plant invasions are facilitated by disturbances (71 FR 67712; Stephenson and Calcarone 1999) such as off-road vehicle use, urban and residential developments, and various recreational activities. In addition, fuels management activities, including vegetation removal and fire suppression activities, have the potential to facilitate non-native species introductions.

In addition, trampling by feral burros was also identified as a threat to ash-grey (Indian) paintbrush in the final listing rule. The final rule indicated that trampling by feral burros occurred at the North Baldwin Lake, Sawmill, Broom Flat (formerly Onyx), and Gold Mountain pebble plain complexes. However, the final listing rule anticipated that the threat from feral burros would be alleviated upon removal of burros from these areas under the provisions of the Big Bear Wild Burro Territory Management Plan (63 FR 49006). Under this plan, burros would only remain in about 45 ac (18 ha) of the Broom Flat (formerly Onyx) pebble plain complex (USFWS 1997). In 1998, burros were removed from the Big Bear City area, which includes the North Baldwin Lake, Sawmill, and Gold Mountain pebble plain complexes, but they still remain in the Broom Flat pebble plain complex (USFS 2005). Thus, as predicted, this threat to ash-grey (Indian) paintbrush has been addressed at all but the Broom Flat pebble plain complex.

2.4. Synthesis

Habitat destruction, degradation, and fragmentation resulting from urbanization and off-road vehicle activity were identified among other threats to ash-grey (Indian) paintbrush at the time of listing, and these activities remain the primary threats today. The regulatory protections for ash-grey (Indian) paintbrush on private lands are very limited, and urban development activities still threaten pebble plain and other habitats supporting ash-grey (Indian) paintbrush. While the majority (82 percent) of the habitat identified for ash-grey

(Indian) paintbrush occurs on USFS lands where monitoring and management actions are implemented, and the USFS has proposed additional land use designations to protect this species, unauthorized off-road vehicle use in occupied habitat and weedy plant invasions continue to negatively impact ash-grey (Indian) paintbrush on USFS lands (USFS 2005).

Quantitative data needed to determine occurrence, habitat, or population trends since the time of listing are compromised by the change in definition of what constitutes pebble plain habitat. Thus, further monitoring and evaluation using the habitat information and occurrence data initiated by the 2002 Pebble Plain Habitat Management Guide (USFS 2002) is needed prior to determining whether USFS management efforts are effective at reducing or eliminating the current threats sufficient to conserve remaining pebble plain habitat and to support recovery of the ash-grey (Indian) paintbrush.

As documented in the final rule listing ash-grey (Indian) paintbrush as threatened, this species is likely to become endangered within the foreseeable future if the threats described above are not reduced or eliminated. The final rule documents that due to management activities conducted by the USFS (including fencing, signing, and monitoring), ash-grey (Indian) paintbrush is not subject to imminent extinction; thus, the appropriate listing decision was a threatened designation.

Based on the current known distribution of the species and our expectation of continued USFS management, we have determined that the ash-grey (Indian) paintbrush, though still at risk from the primary threats of urban development and off-road vehicle use, is not subject to imminent extinction. Thus, this species should continue to remain a threatened species, and no change to the status of ash-grey (Indian) paintbrush is warranted at this time.

3. RESULTS

3.1. Recommended Classification

- Downlist to Threatened
- Uplist to Endangered
- Delist (Indicate reasons for delisting per 50 CFR 424.11):
 - Extinction
 - Recovery
 - Original data for classification in error
- No change is needed

3.2. New Recovery Priority Number

While protections for ash-grey (Indian) paintbrush have increased on national forest lands, occupied and restorable habitat for this species continues to be threatened by urban

development and off-road vehicle use. Therefore, the Recovery Priority Number remains 8, indicating that the taxon has a moderate degree of threat and a high potential for recovery.

3.3. Listing and Reclassification Priority Number, if reclassification is recommended

Not applicable

4. RECOMMENDATIONS FOR FUTURE ACTIONS

Develop Recovery Plan

Develop a recovery plan for ash-grey (Indian) paintbrush that identifies objectives and specific delisting criteria for this species and prioritizes recovery actions such as non-native species removals, surveys, habitat acquisitions, and habitat restoration. In the interim, follow the guidance provided in the Pebble Plain Habitat Management Guide (USFS 2002).

Monitor Existing Populations

Systematic monitoring of ash-grey (Indian) paintbrush throughout known and potentially occupied sites is necessary to track the status of the species and identify management priorities. There is a need to continue to obtain quantitative information regarding the status of this species to evaluate the effectiveness of conservation efforts over time.

Protection of Additional Ash-Grey (Indian) Paintbrush Habitat

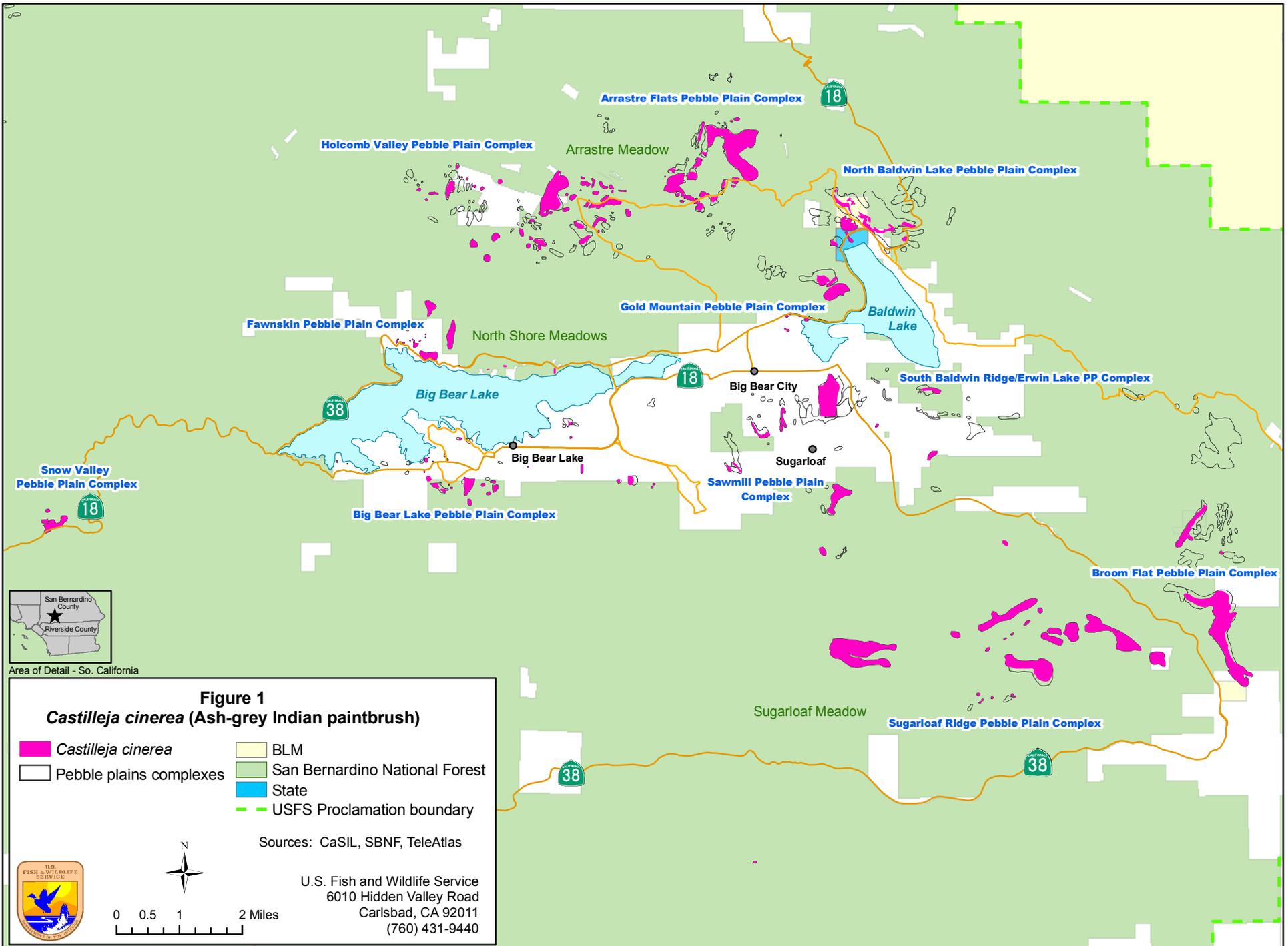
Seek opportunities to acquire non-federal portions of ash-grey (Indian) paintbrush habitat.

Management of Occupied Ash-Grey (Indian) Paintbrush Habitat

- a) Continue monitoring programs for the effectiveness of measures to protect ash-grey (Indian) paintbrush from recreational activities and make adjustments to signs, barriers, and roads as necessary.
- b) Avoid new developments in or near ash-grey (Indian) paintbrush habitat.
- c) Continue outreach to non-federal landowners regarding the presence of ash-grey (Indian) paintbrush and the importance of protecting this species.

5. REFERENCES

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- USFWS (U. S. Fish and Wildlife Service). 2005. Biological and conference opinions on the Revised Land and Resource Management Plans for the Four Southern California National Forests, California (1-6-05-F-773.9). September 15, 2005.



**U.S. FISH AND WILDLIFE SERVICE
5-YEAR REVIEW OF ASH-GREY (INDIAN) PAINTBRUSH (*Castilleja cinerea*)**

Current Classification: Threatened

Recommendation resulting from the 5-Year Review:

- Downlist to Threatened
- Uplist to Endangered
- Delist
- No change needed

Appropriate Listing/Reclassification Priority Number, if applicable:

Not applicable

Review Conducted By: Karen A. Goebel and Jesse Bennett

FIELD OFFICE APPROVAL:

Lead Field Supervisor, Fish and Wildlife Service

Approve  Date 3-27-08

REGIONAL OFFICE APPROVAL:

Lead Regional Director, Fish and Wildlife Service

Approve  Date 3/31/08

Comment Letter #13

From: [Mary Murrell](#)
To: [Morrissey, Jim](#)
Subject: Please Reject the Moon Camp Project! Save the Bald Eagles and Ash-Gray Paintbrush!
Date: Sunday, March 17, 2024 1:28:43 PM

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Dear Jim Morrissey,

I was shocked to hear that the County is considering the Moon Camp Project (*PRDEIR No. 3*) which threatens to destroy Big Bear Lake's bald eagle habitat and the Ash-Gray Paintbrush/Pebble Plain that grows only in the San Bernardino mountains, specifically in this section of Fawnskin.

13-1 I have long been a fan of Jackie and Shadow. In fact, I have visited Fawnskin and Big Bear Lake several times over the past three years because Jackie and Shadow put this community on the national (and global) map! Although I was heartbroken when all three of their eggs didn't hatch this week, at least I (and thousands of others) believe there was hope for their future eggs to hatch, so that Big Bear Bald Eagles can continue on for generations. However, learning of the proposed Moon Camp Project has all but decimated those hopes, if it is allowed to pass. If the bald eagles don't have their habitat perches and fishing spots, they will not last there. They will either find a new spot or be wiped out completely. What a travesty that would be for Fawnskin, the Big Bear Lake community, the residents, the businesses, the visitors, for nature -- for everyone!

13-2 No development project is worth decimating such a unique forest and its rare, endangered species of bald eagles and Ash-Gray Paintbrush. We must stand up for nature and give it a voice, or else the forest and its inhabitants will soon be gone. Jackie, Shadow, and the Ash-Gray Paintbrush deserve to thrive. Please protect these precious natural resources and REJECT the Moon Camp Project. For those living now and for future generations!

Thank you for your time,
Mary Murrell

**RESPONSE TO COMMENT
LETTER #13
MARY MURRELL**

- 13-1 This comment appears to be one of ten form comment letters, which vary slightly from one another, but convey the same message: the comment letter asks for the Project to be rejected due to impacts to “Jackie and Shadow”—local bald eagles to the Big Bear Valley and Moon Camp Project area. Other than general concerns regarding potentially significant impacts to ashy-gray Indian paintbrush, pebble plain, and bald eagle, including the possible extirpation of these species/habitats, the commenter does not point to a specific point in the PRDEIR No. 3 with which the commenter takes issue.

Responses to this comment can be found under Response to Comment #2 (2-1), which addresses the concerns raised in this comment, completely.

- 13-2 The comment requests that the Project be rejected by the decision-makers, and expresses the opinion of the commenter that the Project is not worth decimating the habitat that supports bald eagle and ashy-gray Indian paintbrush. The comment is noted and will be made available to the County decision-makers as part of the RFEIR package prior to a decision on the proposed Project.

Comment Letter #14

From: [Anastasia Mazula](#)
To: [Morrissey, Jim](#)
Subject: Urgent Appeal: Protecting Our Precious Natural Heritage
Date: Saturday, March 16, 2024 11:24:15 AM

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Dear Mr. Morrissey,

14-1 It pains me to learn that the County is considering the Moon Camp Project (PRDEIR No. 3), a venture that poses **a significant threat** to the fragile habitat of bald eagles in Big Bear Lake and the exclusive Ash-Gray Paintbrush/Pebble Plain found solely in the San Bernardino mountains, particularly in the Fawnskin area. We cannot destroy these ecosystems for a development project. We must advocate for the preservation of nature and grant it a platform, lest we witness the irreversible loss of the forest and its inhabitants. Jackie, Shadow, and the Ash-Gray Paintbrush deserve better. **I urge you to protect these invaluable natural treasures and oppose the Moon Camp Project.**

Please consider the implications for future generations and the profound consequences of destroying this habitat.

Thank you for your time,
Anastasia Clarke

**RESPONSE TO COMMENT
LETTER #14
ANASTASIA MAZULA**

- 14-1 This comment appears to be one of ten form comment letters, which vary slightly from one another, but convey the same message: the comment letter asks for the Project to be rejected due to impacts to “Jackie and Shadow”—local bald eagles to the Big Bear Valley and Moon Camp Project area—and due to impacts to ashy-gray Indian paintbrush/pebble plain habitat. Other than general concerns regarding potentially significant impacts to ashy-gray Indian paintbrush, pebble plain, and bald eagle, including the possible extirpation of these species/habitats, the commenter does not point to a specific point in the PRDEIR No. 3 with which the commenter takes issue.

Responses to this comment can be found under Response to Comment #2 (2-1), which addresses the concerns raised in this comment, completely.

Comment Letter #15

From: [Padraic Foran](#)
To: [Morrissey, Jim](#)
Subject: Public Comment on Moon Camp Project (PRDEIR No. 3)
Date: Monday, March 18, 2024 4:00:21 PM

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Dear Jim Morrissey,

15-1

I am writing to express my deep concern about the proposed Moon Camp Project (*PRDEIR No. 3*) which would wreak havoc on pristine forest that is home to bald eagles and rare plants that grow only in certain areas of the San Bernardino mountains.

The proposed Moon Camp project puts these species--already endangered and threatened--at even greater risk. Developers' attempts to mitigate its harms are far too little. Put simply, the Moon Camp project has no place in such a beautiful and fragile ecosystem.

15-2

My daughters, ages 8 and 4, have often marveled at the bald eagles who perch on trees in this stretch of beautiful wilderness. I hope that other children can continue to do the same for many generations to come. But if the City and County fail to protect this wild space now, we may lose these beautiful creatures and plant life forever.

The City of Fawnskin and the County of Bernardino must stand up to protect these endangered and threatened species and reject the Moon Camp Project!

Thank you,
Padraic Foran
(503)830-0169
padraicforan@gmail.com

**RESPONSE TO COMMENT
LETTER #15
PADRAIC FORAN**

- 15-1 The comment alleges that the Project would harm bald eagles and rare plants and states generally that the mitigation provided in the PRDEIR No. 3 and in former environmental documentation would not be sufficient to protect these species. Other than general concerns regarding potentially significant impacts to bald eagle and rare plants, including the possible extirpation of these species/habitats, the commenter does not point to a specific point in the PRDEIR No. 3 with which the commenter takes issue.

As discussed in the introduction to these responses to comments, and under Response to Comment 2-1, the PRDEIR No. 3 focuses solely on the topics of Biological Resources (impacts to ashy-gray Indian paintbrush and pebble plain habitat), Hazards and Hazardous Materials (wildfire evacuation), and Land Use and Planning (consistency with the San Bernardino Countywide Plan). The analysis and CEQA determinations for topics that fall outside of the narrow focus of the PRDEIR No. 3 were deemed adequate by the Court, and therefore no longer warrant discussion or consideration beyond what was presented in the July 2020 FEIR, pursuant to CEQA Statute 15234(d).

Only new comments submitted on the recirculated portions of the PRDEIR No. 3 will be considered by the County. As an example, the comments in this comment letter pertaining to impacts on the bald eagle will not be considered in the responses to comments, because the Court determined that the impacts on bald eagle were adequately analyzed in the July 2020 FEIR. Thus, the opportunity to comment on impacts determined to be adequate by the Court that were not the aforementioned focus of the PRDEIR No. 3 has concluded.

Overall, the PRDEIR No. 3 indicates that *“On an occurrence basis, there are approximately 5,567 occurrences of ashy-gray Indian paintbrush occurrences are located within the proposed 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 Project site”* (page 4-24). This on-site conservation of ashy-gray Indian paintbrush occurrences results in mitigation, reinforced by MM **BR-1b** for Project impacts at more than an approximately 7:1 ratio. On an acreage basis, the Project will mitigate impacts to the ashy-gray Indian paintbrush on-site at a 1.68:1 ratio. Furthermore, MM **BR-1a** establishes 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 Conservation Easement of Lot A and H. Thus, as evidenced by the analysis provided in PRDEIR No. 3, the Project would not result in extirpation of the ashy-gray Indian paintbrush on the Project site; in fact, it would result in the permanent conservation of the primary areas on site that support this species.

- 15-2 This comment pertains to protection of bald eagle and plant life, and urges the County to reject the Moon Camp Project. Please refer to Response to Comment #2 (2-1), which addresses the concerns raised in this comment, completely. The comment is noted and will be made available to County decision-makers as part of the RFEIR package prior to a decision on the proposed Project.

Comment Letter #16

From: [Sylvia Stutz](#)
To: [Morrissey, Jim](#)
Subject: Support for Big Bear Lake's bald eagle habitat & the Ash-Gray Paintbrush/Pebble Plain
Date: Monday, March 18, 2024 1:44:23 PM

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Dear Jim Morrissey,

16-1 | I was saddened to hear that the County is considering the Moon Camp Project (*PRDEIR No. 3*) which threatens to destroy Big Bear Lake's bald eagle habitat and the Ash-Gray Paintbrush/Pebble Plain that grows only in the San Bernardino mountains, specifically in this section of Fawnskin. No development project is worth decimating such a unique forest and its rare, endangered species of bald eagles and Ash-Gray Paintbrush. We must stand up for nature and give it a voice, or else the forest and its inhabitants will soon be gone. Jackie, Shadow, and the Ash-Gray Paintbrush deserve to thrive. Please protect these precious natural resources and reject the Moon Camp Project!

Thank you for your time,
Sylvia Stutz

Sent from my iPhone

**RESPONSE TO COMMENT
LETTER #16
SYLVIA STUTZ**

- 16-1 This comment appears to be one of ten form comment letters, which vary slightly from one another, but convey the same message: the comment letter asks for the Project to be rejected due to impacts to “Jackie and Shadow”—local bald eagles to the Big Bear Valley and Moon Camp Project area—and due to impacts to ashy-gray Indian paintbrush/pebble plain habitat. Other than general concerns regarding potentially significant impacts to ashy-gray Indian paintbrush, pebble plain, and bald eagle, including the possible extirpation of these species/habitats, the commenter does not point to a specific point in the PRDEIR No. 3 with which the commenter takes issue.

Responses to this comment can be found under Response to Comment #2 (2-1), which addresses the concerns raised in this comment, completely.

Comment Letter #17

From: joyjoy1090@gmail.com
To: [Morrissey, Jim](#)
Subject: Reject the Moon Camp Project -- PRDEIR No. 3 is Insufficient -- Save Bald Eagles and Ash-Gray Paintbrush
Date: Monday, March 18, 2024 3:43:51 PM

[You don't often get email from joyjoy1090@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Dear Jim Morrissey,

I am absolutely devastated to learn about the County's consideration of the Moon Camp Project (PRDEIR No. 3)! The thought of Big Bear Lake's bald eagle habitat and the Ash-Gray Paintbrush/Pebble Plain in Fawnskin being threatened fills my heart with sorrow. These sacred lands are home to rare and endangered species such as the majestic bald eagles and the delicate Ash-Gray Paintbrush. How can we even fathom destroying such a precious ecosystem for the sake of a development project?

17-1

It breaks my heart to imagine a world where Jackie, Shadow, and the Ash-Gray Paintbrush no longer exist. These beautiful beings deserve to thrive in their natural habitat, not be displaced by human greed. We must be the voice for those who cannot speak for themselves, for the forest and its inhabitants are counting on us to stand up and protect them.

I urge you to reconsider the implications of the Moon Camp Project and take a stand for nature. Let us make the choice to prioritize the preservation of our planet's irreplaceable natural resources over profit and progress. Please, let us do everything in our power to reject this destructive project and safeguard the future of our environment.

Thank you for listening to my plea,
Joy Witte

**RESPONSE TO COMMENT
LETTER #17
JOY WITTE**

- 17-1 This comment appears to be one of ten form comment letters, which vary slightly from one another, but convey the same message: the comment letter asks for the Project to be rejected due to impacts to “Jackie and Shadow”—local bald eagles to the Big Bear Valley and Moon Camp Project area—and due to impacts to ashy-gray Indian paintbrush/pebble plain habitat. Other than general concerns regarding potentially significant impacts to ashy-gray Indian paintbrush, pebble plain, and bald eagle, including the possible extirpation of these species/habitats, the commenter does not point to a specific point in the PRDEIR No. 3 with which the commenter takes issue.

Responses to this comment can be found under Response to Comment #2 (2-1), which addresses the concerns raised in this comment, completely. The comment is noted and will be made available to County decision-makers as part of the RFEIR package prior to a decision on the proposed Program.

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Monitoring and Reporting Program
Moon Camp 50-lot Residential Division, TT No. 16136
Big Bear Lake, San Bernardino County, California
SCH No. 2002021105

Prepared for:

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

Prepared by:

Tom Dodson & Associates
2150 North Arrowhead Avenue
San Bernardino, California 92405
(909) 882-3612

Table 1: Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
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. (MM 5.4-1a)	Review and approval of the Grading Plans, and on-site inspection to confirm implementation of mitigation measures.	Prior to approval of Grading Plans, and during project construction	County of San Bernardino		
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. (MM 5.4-1b)	Review and implement proposed plans.	Prior to issuance of Grading Permits	County of San Bernardino		
A-2a. All homes shall provide a two-car garage with automatic garage doors. (MM 5.4-2a)	Review and implement proposed plans.	Prior to final project approvals	County of San Bernardino		
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. (MM 5.4-2b)	Review and approval of Architectural Plans.	Prior to final project approvals	County of San Bernardino		
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. (MM 5.4-2c)	Review and approval of site and landscape plans.	Prior to final project approvals	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
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. (MM 5.4-2d)	Review and approval of landscape plans.	Prior to final project approvals	County of San Bernardino		
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. (MM 5.4-2e)	Review and implement proposed plans. Confirm coordination with Planning Division.	Prior to approval and issuance of building permits	County of San Bernardino		
A-3a. Any entry sign for the development shall be a monument style sign compatible with the mountain character, preferably, rock or rock appearance. (MM 5.4-3a)	Review and approval of architectural plans.	Prior to final project approvals	County of San Bernardino		
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 D) shall be submitted to and approved by the San Bernardino County Land Use Services Department. (MM 5.4-3b)	Review and implement proposed plans.	Prior to recordation of the tract map or before ground-disturbing (preparation and construction activities)	County of San Bernardino		
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	Review and approval of lighting plans.	Prior to final project approvals	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
necessary to prevent spill lighting on adjacent off-site uses. (MM 5.4 4a)					
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. (MM 5.4-4b)	Review and approval of lighting plans by the County Building and Safety Division.	Prior to final project approvals	County of San Bernardino		
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. (MM 5.4-4c)	Review and approval of architectural plans.	Prior to final project approvals	County of San Bernardino		
A-4d: Vegetated buffers shall be used along State Route 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. (MM 5.4-4d)	Review and implement proposed plans.	Prior to final project approvals	County of San Bernardino		
A-4e. All outdoor light fixtures shall be cutoff luminaries and only high- or low-pressure sodium lamps shall be used. (MM 5.4-4f)	Review and approval of lighting plans.	Prior to final project approvals	County of San Bernardino		
A-4f. Mitigation Measures A-4a through A-4e shall be included in the Conditions, Covenants, and Restrictions (CC&Rs) of the Homeowner's Association (HOA). (MM5.4-4e)	Submit the Project CC&Rs to the County of San Bernardino Planning Department	Prior to final project approvals	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>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 (BMPs) 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:</p> <ul style="list-style-type: none"> • 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 wind-driven 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. 	Review and approval of the Fugitive Dust Control Plan.	Prior to issuance of grading plan	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>AQ-2. To reduce emissions from the construction equipment within the Project site, the construction contractor will:</p> <ul style="list-style-type: none"> • 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. 	Review and approval of construction plans and specifications.	Prior to issuance of applicable construction permits and during project construction	County of San Bernardino		
<p>AQ-3. To reduce the emissions from wood burning apparatus; the following requirement will be placed on all new residences constructed on the proposed project's lots:</p> <ul style="list-style-type: none"> • 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. 	Review and approval of construction plans and specifications.	Prior to final project approvals	County of San Bernardino		
<p>AQ-4. To establish a "Good Neighbor Policy for Burning" that will further help reduce the potential for localized nuisance complaints related to wood burning; the proponent shall distribute an informational flyer to each purchaser of lots. At a minimum, the flyer will say: KNOW WHEN TO BURN</p> <ul style="list-style-type: none"> • 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 	Confirm distribution of flyer.	At the time of lot purchases	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>or sensitive lungs (i.e. children, the elderly) and people with lung disease.</p> <p>KNOW WHAT TO BURN</p> <ul style="list-style-type: none"> • 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. <p>KNOW HOW TO BURN</p> <ul style="list-style-type: none"> • 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. 					
<p>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.</p>	<p>Confirm seed collection has occurred.</p>	<p>Prior to issuance of grading permits and the initiation of clearing or grading activities on the Project site</p>	<p>United States Fish and Wildlife Service (USFWS)</p>		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>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.</p> <p>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. 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.</p>					
<p>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</p>	Confirm recordation of easement.	Prior to issuance of grading permits and the initiation of clearing or grading activities on the Project site	California Department of Fish and Wildlife (CDFW)		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>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 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</p>					

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
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.					
<p>BR-1c. The Project Applicant shall take the following actions to further ensure the permanent preservation of the Conservation Areas:</p> <ul style="list-style-type: none"> 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 	<p>Submit the Project CC&Rs to the County of San Bernardino Planning Department</p> <p>Distribute list of prohibited invasive plant to lot owners</p> <p>Review and approval of Grading Plan</p> <p>Submission of annual biological monitoring report to be retained in the project file.</p> <p>Prepare annual biological monitoring report on rare plan</p>	<p>Prior to the recordation of the final subdivision</p> <p>During Project implementation</p>	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>encourage residents to retain ashy-gray Indian paintbrush within individual property owner lots in a natural state to preserve the species.</p> <ul style="list-style-type: none"> • 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 	<p>species status and necessary enhancement and protection actions</p> <p>Routine monitoring of rare plant resources on Lot A and H</p>				

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>status of the rare plant species and any necessary actions to further enhance and protect the habitat.</p> <ul style="list-style-type: none"> 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. 					
<p>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.</p>	<p>Review and approval of site plans.</p>	<p>Prior to final project approvals</p>	<p>County of San Bernardino</p>		
<p>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.</p>	<p>On-site inspection to confirm implementation of mitigation measures.</p>	<p>During construction</p>	<p>County of San Bernardino</p>		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>BR-3. Given the negative results of on-site surveys 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:</p> <ul style="list-style-type: none"> • 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. • The Project Applicant must compensate for the removal of suitable habitat through construction and erection of two nest boxes and one aggregate box per snag removed. • The Project Applicant is required to provide homeowners with information on the biology of the San Bernardino flying squirrel and suggest steps that homeowners can take to reduce their urban-edge effects. 	Confirm presence of a qualified biologist.	During project construction	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>• All subsequent home developers must comply with these provisions, which shall be enforced by the County of San Bernardino through implementation of the Mitigation Monitoring and Reporting Program as mandated by CEQA.</p> <p>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.</p>					
<p>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 by trimming and limbing to make suitable for eagle perching. The exact method of perch tree replacement shall be made after consultation with a certified arborist. Prior to commencement of construction activity, the 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</p>	<p>Confirm presence of qualified consultant.</p>	<p>Prior to commencement of construction activity and during construction</p>	<p>County of San Bernardino</p>		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
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 Homeowners 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.					
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	Confirm completion of survey for Project site.	Prior to vegetation clearing, grading, or other disturbance	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
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.					
<p>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.</p> <p>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 July 31 (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.</p>	Confirm completion of survey for Project site by a qualified biologist.	Seven days prior to the onset of construction activities	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
BR-7. Vegetation removal, clearing, and grading on the Project site shall 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.	Confirm vegetation removal, clearing, and grading does not occur during nesting season. If so, confirm 30-day clearance survey was completed.	Prior to project construction	County of San Bernardino		
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 Conditions, Covenants & Restrictions (CC&Rs).	Submit the Project CC&Rs to the County of San Bernardino Planning Department.	Prior to approval of final Project plans	County of San Bernardino		
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).	Review and approval of lighting plans.	Prior to final project approvals	County of San Bernardino		
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	Review and approval of lighting plans.	Prior to final project approvals	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
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.					
<p>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."</p> <p>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's Association CC&Rs and a map of designated hiking trails will be provided to all residents.</p>	<p>On-site inspection to confirm implementation of mitigation measures.</p> <p>Submit the Project CC&Rs to the County of San Bernardino Planning Department.</p>	<p>During Project implementation</p> <p>Prior to final project approvals</p>	County of San Bernardino		
<p>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, non-native plant species are not to be used in the proposed landscaping. The biologist will suggest appropriate native plant substitutes or non-invasive, nonnative plants. A note shall be placed on the Composite Development Plan indicating that all proposed landscaping (including landscaping on individual lots)</p>	<p>Review and implement proposed plans.</p> <p>Submit the Project CC&Rs to the County of San Bernardino Planning Department.</p>	Prior to recordation of the final map	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
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’s 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.					
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.	Confirm receipt of required authorizations.	Prior to issuance of grading permits	County of San Bernardino		
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.	Submit the Project CC&Rs to the County of San Bernardino Planning Department for HOA responsibilities Routine maintenance of road surface and roadside vegetation	During Project implementation (operation)	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>HAZ-2. Updates to the Wildfire Evacuation Plan: The Wildfire Evacuation Plan shall be 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.</p>	<p>Submit HOA bylaws to the County of San Bernardino Planning Department</p>	<p>During Project implementation (operation)</p>	<p>County of San Bernardino</p>		
<p>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</p>	<p>Review and implement proposed plan. Submit HOA bylaws to the County of San Bernardino Planning Department</p>	<p>During Project implementation (operation)</p>	<p>County of San Bernardino</p>		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>iv. Strategically placed fire safety and evacuation/sheltering protocol information, as determined by the Fire Safety Coordinator.</p> <p>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:</p> <p>i. Annual wildfire and evacuation safety awareness meeting in coordination with local fire agencies.</p> <p>ii. Annual reminder notices shall be provided to each resident encouraging them to review the Wildfire iii. Evacuation Plan and be familiar with evacuation protocols.</p> <p>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.</p> <p>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.</p> <p>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.</p>					
<p>HYD-1. Prior to issuance of a building permit, a program satisfactory to the County will be formulated to handle storm drain waters adequately.</p>	Review and implement proposed program.	Prior to issuance of a building permit	County of San Bernardino		
<p>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</p>	Review and implement proposed plans.	Prior to final project approvals	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
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.	Review and approval of proposed plans On-site inspection to confirm implementation of mitigation measures.	Prior to final project approvals During construction activities	County of San Bernardino		
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.	Review and implement proposed plans.	Prior to final project approvals	County of San Bernardino Project Engineer		
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 Santa Ana Regional Water Quality Control Board providing notification and intent to comply with the State of California general permit. Also, a Storm Water Pollution Prevention Plan (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."	Review and implement proposed plan.	Prior to Grading Permit issuance	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>HYD-6. At a minimum, the following shall be implemented from the California Storm Water Best Management Practice Handbook-Construction Activity:</p> <ul style="list-style-type: none"> • 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 	<p>Review Project SWPPP to confirm inclusion of the listed BMPs</p> <p>Confirm BMPs are incorporated into design and construction phases.</p>	<p>Prior to SWPPP approval</p> <p>Before ground-disturbing (preparation and construction activities)</p>	<p>County of San Bernardino</p>		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>by performing on and off-site washouts in designated areas and training employees and consultants.</p> <ul style="list-style-type: none"> • 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 synthetics material can be used for soil stability. • Dust Control—Reduce wind erosion and dust generated by construction activities by using dust control measures. 					

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> • 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 off-site 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. 					

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> • 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. 					
<p>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.</p> <ul style="list-style-type: none"> • Prior to Grading Permit issuance, a Water Quality Management Plan (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. 	Review and implement proposed program.	<p>Prior to issuance of grading permits</p> <p>During grading activities</p> <p>During Project implementation</p>	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> • 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 on-going 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. 					
<p>HYD-8. The following controls from the California Storm Water Best Management Practice Handbook—Municipal shall be employed:</p> <ul style="list-style-type: none"> • 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. 	Confirm BMPs are incorporated into design and construction plans.	Prior to construction of project	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> 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. 					
<p>HYD-9. The Water Quality Management Plan (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.</p>	Confirm BMPs are incorporated into the WQMP.	Prior to final Project approvals	County of San Bernardino		
<p>HYD-10. Consistent with the WQMP guidelines contained in the Draft National Pollutant Discharge Elimination System (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:</p> <ul style="list-style-type: none"> The volume of runoff produced from the 85th percentile 24-hour storm event, as determined from the local historical rainfall record; or 	Confirm BMPs are incorporated into the WQMP.	Prior to final Project approvals	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> • 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 percent or more volume treatment by the method recommended in California Stormwater 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. <p>–OR–</p> <ul style="list-style-type: none"> • 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. 					
<p>HYD-11. The following are the minimum required controls to be implemented as a part of the Water Quality Management Plan (WQMP) for Urban Runoff.</p> <ul style="list-style-type: none"> • Control of Impervious Runoff—Surface runoff shall be directed to landscaped areas or pervious areas. 	On-site inspection to confirm implementation	Ongoing	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> • 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. 	of mitigation measures.				
HYD-12. Storm water treatment under the NPDES Permit and the future TMDL requirements shall include the construction of treatment BMPs.	Verify construction of treatment BMPs are included.	During construction activities	County of San Bernardino		
HYD-13. Treatment BMPs appropriate for on-site use shall include infiltration trenches and basins, swales, inlet filtration, and/or water quality basins.	Confirm BMPs are incorporated.	Every 5 years	County of San Bernardino		
HYD-14. All storm water runoff shall be treated before leaving the site to reduce pollutants in Big Bear Lake.	Review and approval of project WQMP	Prior to final Project approvals	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>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.</p> <p>Infiltration basins shall be used for drainage areas between 5 and 50 acres. Infiltration basins shall be either in-line or offline, and may treat different volumes such as the water quality volume or the 2-year or 10-year storm.</p>	<p>Review and approval of project WQMP to ensure the listed BMPs are incorporated into the WQMP.</p>	<p>Prior to final Project approvals</p>	<p>County of San Bernardino</p>		
<p>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.</p>	<p>Review and approval of project WQMP to ensure the listed BMPs are incorporated into the WQMP.</p>	<p>Prior to final project approvals</p>	<p>County of San Bernardino</p>		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>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.</p> <p>Inline devices suggested for use on-site 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, non-mechanical 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.</p> <p>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.</p> <p>Consideration shall be given to using these filtration units in other areas besides the parking lot inlets. Another potential</p>	<p>Review and approval of project WQMP to ensure the listed BMPs are incorporated into the WQMP.</p> <p>Routine monitoring of filtration devices.</p>	<p>Prior to final project approvals</p> <p>During Project implementation</p>	<p>County of San Bernardino</p>		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
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.					
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.	Review and approval of Project SWPPP and WQMP to confirm that ACOE and CDFW requirements are met through the incorporation of appropriate BMPs	Prior to final project approvals	County of San Bernardino		
HYD-19. A 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.	Confirm implementation of mitigation measures.	Ongoing	County of San Bernardino		
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. (MM5.7-1b, modified.)	Confirm implementation of mitigation measures.	During construction activities	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>NOI-2. Consistent with the County of San Bernardino Development Code Section 87.0901, construction activities shall be limited as follows (MM 5.7-1a modified):</p> <p>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.</p>	Confirm implementation of mitigation measures.	<p>Prior to issuance of grading permits</p> <p>During construction activities</p>	County of San Bernardino		
<p>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. (MM5.7-1c, modified.)</p>	Confirm implementation of mitigation measures.	During construction activities	County of San Bernardino		
<p>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. (MM5.7-1d, modified.)</p>	Confirm implementation of mitigation measures.	During construction activities	County of San Bernardino		
<p>PS-1. The fire flow requirement shall be 1750 gpm @ 2 hours based on homes in the range of 3,600 to 4,800 square feet, and 2,000 gpm @ 2 hours for homes greater than 4,800 square feet. (MM 5.3-1a.)</p>	<p>Review and approval of Project plans</p> <p>Confirm a hydrant flow test has been conducted by the water supplier</p>	Prior to final project approvals	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
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. (MM 5.3-1b, as modified.)	Review and approval of Project plans Confirm a hydrant flow test has been conducted by the water supplier	Prior to final project approvals	County of San Bernardino		
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. (MM 5.3-1c, as modified.)	Review and implement proposed program.	Prior to final Project approvals	County of San Bernardino Fire Department and San Bernardino National Forest Service		
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 Forrester is necessary for professional guidance to implement the Plan. The HOA is to be responsible for fuel modification in common areas. (MM 5.3-1e, as modified.)	Confirm implementation of mitigation measures.	Prior to final project approval	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>T-1. Project Design Features recommended in the TIA shall be incorporated into the project design. These include:</p> <ul style="list-style-type: none"> • Construction of North Shore Drive at its ultimate half-section width as a Mountain Major highway from Canyon Drive to the Easterly 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/North Shore Drive and Driveway 2/North Shore Drive for 2030 Buildout Conditions. 	Confirm implementation of mitigation measures into project plans.	Prior to final project approvals	County of San Bernardino		
<p>T-2. The eastbound left turn lanes at both project access points will be constructed at opening year at 100% 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.</p>	Confirm implementation of mitigation measures.	Prior to final project approvals	County of San Bernardino		
<p>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:</p> <ul style="list-style-type: none"> • 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. 	Confirm implementation of mitigation measures.	Prior to final project approvals	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>U-1a. The Moon Camp Homeowners Association shall create a “conservation guidelines” booklet that outlines the following measures:</p> <ul style="list-style-type: none"> • 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 evapotranspiration 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 	<p>Confirm implementation of mitigation measures.</p>	<p>Prior to final project approvals</p>	<p>County of San Bernardino</p>		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>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.</p> <ul style="list-style-type: none"> The Project shall comply with the local water agency's "Model Landscape and Irrigation" ordinance. 					
<p>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 DWP desires to extract groundwater from Well FP-2 in excess of 9 acre-feet per year, the purveyor shall conduct an independent environmental analysis and consider potential impacts at that time.</p>	Confirm implementation of mitigation measures.	Ongoing	County of San Bernardino		
<p>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 DWP, 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 Planning Department and the County Health Department.</p>	Confirm implementation of mitigation measures.	Ongoing	County of San Bernardino		
<p>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.</p>	Confirm implementation of mitigation measures.	Prior to issuance of building permits	County of San Bernardino		
<p>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</p>	Confirm implementation	Prior to issuance of building permits	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
treatment plant capacity to accept sewage flows from the Project site.	of mitigation measures.				
5.9-1. 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.	Confirm presence of a qualified archaeologist.	Prior to grading, grubbing, trenching, excavations, and/or other earth-moving activities	County of San Bernardino		
5.9-2a. 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.	Confirm presence of a paleontological monitor, as necessary.	During grading and excavation	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
5.9-2b. Recovered specimens shall be prepared to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates.	Confirm implementation of mitigation measures.	During construction activities	County of San Bernardino		
5.9-2c. Identification and curation of specimens into a museum repository with permanent retrievable storage shall occur for paleontological resources.	Confirm implementation of mitigation measures.	During construction activities	County of San Bernardino		
5.9-2d. 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.	Confirm inventory is itemized in a report.	At the completion of construction	County of San Bernardino		
5.9-3. 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.”	Cease construction when there is a discovery of human remains and contact County Coroner and NAHC.	During construction activities	County of San Bernardino		
GS-1. The stability of south facing cut slopes shall be analyzed as part of the design-level geotechnical investigation. Utilizing 2:1 buttressed slopes using onsite native soil materials, or constructing geotextile-reinforced soil buttresses for planned unstable cut slopes are typical engineering designs for stabilizing slopes. Either of these methods, or other methods, must be approved by the San	Review and approval of design-level geotechnical investigation to ensure that the stability of south	Prior to final Project approvals	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Bernardino County Department of Building and Safety. (MM 5.10-1 of the 2005 Final EIR was modified in response to comments on the 2005 Draft EIR.)	facing cut slopes have been analyzed.				
GS-2a. 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. (MM5.10-2a of the 2005 Final EIR.)	Review and approval of Project drainage plans	Prior to final Project approvals	County of San Bernardino		
GS2b. 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. (MM 5.10-2b of the 2005 Final EIR.)	Review and implement proposed plans.	Prior to the issuance of Grading Permits	County of San Bernardino		
GS-3. Engineering design for all structures and roadways shall be based on the current California Uniform Building Code at the time of project development. Construction plans shall be in accordance with seismic design standards set forth by the County's Development Code and Uniform Building Code. (MM 5.10-3 of the 2005 Final EIR.)	Review of construction plans.	Prior to final Project approvals	County of San Bernardino		
GS-4. Residential structures shall be located in areas which provide a minimum of five feet of freeboard above the high water line for any structures. (MM 5.10-4 of the 2005 Final EIR.)	Review and approval of Project plans.	Prior to final Project approvals	County of San Bernardino		
GS-5. 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. (MM 5.10-5 of the 2005 Final	Review and approval of quantitative geotechnical analysis and design-level	Prior to grading permit issuance	County of San Bernardino		

Table 1 (cont.): Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
EIR has been modified in response to comments on the 2005 Final EIR.)	geotechnical engineering report				
R-1. The proposed project shall be conditioned to provide the right of way to allow future construction of a pedal path along the south side of North Shore Drive, prior to map recordation. The right-of-way is included in the 66-foot offer of dedication included on the Site Plan. (MM 5.2-2 of the 2005 Final EIR has been modified in response to public comments to provide access.)	Review and approval of Project site plans	Prior to final project approvals	County of San Bernardino		

**PARTIALLY RECIRCULATED
DRAFT ENVIRONMENTAL IMPACT
REPORT NO. 3
(Volume 1)**

Partially Recirculated
Draft Environmental Impact Report No. 3
Moon Camp 50-lot Residential Division, TT No. 16136
Big Bear Lake, San Bernardino County, California
SCH No. 2002021105

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TABLE OF CONTENTS

Volume 1 – PARTIALLY RECIRCULATED DRAFT EIR NO. 3

List of Tables.....	iv
List of Figures.....	iv
List of Exhibits.....	v

Chapter 1 – INTRODUCTION

1.1	Background and Purpose of the Draft Partially Recirculated Environmental Impact Report.....	1-1
1.1.1	Project History.....	1-1
1.1.2	Litigation and Writ of Mandate.....	1-3
1.1.3	Content of the Draft Partially Recirculated Environmental Impact Report.....	1-4
1.2	Content of the Draft Partially Recirculated Environmental Impact Report.....	1-5
1.3	Moon Camp Project Description.....	1-6
1.3.1	Project Location and Setting.....	1-6
1.3.2	Project and Surrounding Land Use and Zoning Districts.....	1-6
1.3.3	Proposed Project Description.....	1-7

Chapter 4 – ENVIRONMENTAL IMPACT EVALUATION

4.1	Background.....	4-1
4.1.1	Project Description.....	4-2
4.1.2	Environmental Impact Evaluation.....	4-2
4.2	Biological Resources.....	4-5
4.2.1	Introduction.....	4-5
4.2.2	Environmental Setting.....	4-6
4.2.3	Regulatory Setting.....	4-14
4.2.4	Thresholds of Significance.....	4-21
4.2.5	Potential Impacts.....	4-23
4.2.6	Impacts With No Change.....	4-29
4.2.7	Avoidance, Minimization and Mitigation Measures.....	4-31
4.2.8	Cumulative Impact.....	4-36
4.2.9	Unavoidable Adverse Impacts and Summary of Impacts After Mitigation.....	4-37
4.3	Hazards and Hazardous Materials.....	4-44
4.3.1	Introduction.....	4-44
4.3.2	Environmental Setting.....	4-45
4.3.3	Regulatory Setting.....	4-53
4.3.4	Thresholds of Significance.....	4-58
4.3.5	Methodology.....	4-58
4.3.6	Potential Impacts.....	4-61
4.3.7	Avoidance, Minimization and Mitigation Measures.....	4-73
4.3.8	Cumulative Impact.....	4-75
4.3.9	Unavoidable Adverse Impacts.....	4-75
4.4	Land Use and Planning.....	4-81
4.4.1	Introduction.....	4-81
4.4.2	Environmental Setting.....	4-82
4.4.3	Regulatory Setting.....	4-84
4.4.4	Thresholds of Significance.....	4-87

4.4.5	Potential Impacts	4-87
4.4.6	Avoidance, Minimization and Mitigation Measures	4-108
4.4.7	Cumulative Impact.....	4-108
4.4.8	Unavoidable Adverse Impacts	4-109

Chapter 5 – PREPARATION RESOURCES

5.1	Report Preparation	5-1
5.1.1	Lead Agency	5-1
5.1.2	EIR Consultant	5-1
5.1.3	EIR Technical Consultants	5-1
5.2	Bibliography	5-2

Volume 2 – TECHNICAL APPENDICES *(under separate cover)*

Appendix 1	2020 FEIR
Appendix 2	2006 FEIR
Appendix 3	2010 DEIR No. 1
Appendix 4	2011 DEIR No. 2
Appendix 5	2010 Supplemental Focused Special Status Plant Species Survey
Appendix 6	2008 Supplemental Focused Rare Plant Survey
Appendix 7	2016 Ashy-Grey Indian Paintbrush Survey Update
Appendix 8	2018 ELMT Bio Database Tech Review
Appendix 9	2023 Moon Camp CACI Mitigation Review
Appendix 10	2018 Jurisdictional Delineation Update Memo
Appendix 11	Moon Camp Long-Term Management Plan 08-15-19
Appendix 12	Moon Camp Wildlife Evacuation Plan 09-21-23

LIST OF TABLES

Table 1.3-1	Existing Land Use and Official Land Use Zoning District	1-7
Table 1.5-1	Summary of Impacts and Avoidance, Minimization and Mitigation Measures Discussed in this PRDEIR No. 3	1-11
Table 4.2-1	Existing Vegetation Types on the Project Site.....	4-7
Table 4.2-2	Summary of Ash Gray Indian Paintbrush Occurrence on the Moon Camp Site	4-11
Table 4.2-3	Summary of Ash Gray Indian Paintbrush Occurrence on the Moon Camp Site	4-25
Table 4.3-1	P.A.C.E. Evacuation Plan for Moon Camp Project.....	4-62
Table 4.3-2	Evacuating Vehicles	4-64
Table 4.3-3	Evacuating Time Summary All Scenarios	4-65
Table 4.4-1	Existing Land Use and Official Land Use Zoning District	4-83
Table 4.4-2	Connect SoCal Consistency Analysis	4-88
Table 4.4-3	San Bernardino Countywide Plan Consistency Analysis	4-91
Table 4.4-4	Regional Housing Needs: Unincorporated County of San Bernardino.....	4-107

LIST OF EXHIBITS

Exhibit 4.3-1	Incidental Command System Local Government EOC Functional Interactions	4-49
---------------	---	------

LIST OF FIGURES

Figure 1-1	Tentative Tract Map No. 16136	1-21
Figure 1-2	Regional Location (Aerial)	1-22
Figure 1-3	Site Location (Aerial)	1-23
Figure 1-4	Site Open Space and Conservation Easements	1-24
Figure 1-5	Paintbrush and Pebble Plain Habitat	1-25
Figure 1-6	Land Use Map.....	1-26
Figure 1-7	Proposed Water Facilities	1-27
Figure 1-8	Proposed Sewer Facilities	1-28
Figure 4.2-1	Plant Communities Map.....	4-41
Figure 4.2-2	Occupied Ashy-Gray Indian Paintbrush and Pebble Plain Soil Conditions	4-42
Figure 4.2-3	Jurisdictional Map	4-43
Figure 4.3-1	Fire Hazard Severity Zones	4-76
Figure 4.3-2	Fire Responsible Areas	4-77
Figure 4.3-3	Evacuation Routes.....	4-78
Figure 4.3-4	FHSZ, Evacuation Areas and Evacuation Routes.....	4-79
Figure 4.3-5	Evacuation Routes Travel Time per Google Map.....	4-80

CHAPTER 1 – INTRODUCTION

All Chapter 1 figures are located at the end of this chapter, not immediately following their reference in the text.

1.1 BACKGROUND AND PURPOSE OF THE DRAFT PARTIALLY RECIRCULATED ENVIRONMENTAL IMPACT REPORT

In April of 2010, the County of San Bernardino (County) published the Draft Revised and Recirculated DEIR (RRDEIR) No. 1 for the Moon Camp Project (Project), which assessed the potential environmental impact of adopting a General Plan Amendment (GPA) from Bear Valley Community Plan Rural Living 40 acres (BV/RL-40) to Bear Valley Community Plan Single Residential 20,000 square feet (SF)(BV/RS-20,000), adopting Tentative Tract Map (TTM) No. 16136 with a total of 50 residential lots, 8 lettered lots, and a marina (boat dock) with 55 boat slips within a 62.43 acre site in the unincorporated community of Fawnskin within the County of San Bernardino. A second RRDEIR was published in December of 2011 by the County, which focused on impacts to Special Status plant species. The TTM No. 16136 that was presented as part of the December of 2011 RRDEIR No. 2 is provided as **Figure 1-1**, and aerial photos depicting the Project site at the regional and site-specific levels are provided as **Figures 1-2 and 1-3**, respectively. The Moon Camp Final Environmental Impact Report (FEIR) was finalized in July of 2020, and was certified by the San Bernardino County Board of Supervisors on July 28, 2020, with the Notice of Determination (NOD) filed with the County Clerk of the Board on July 29, 2020. The State Clearinghouse Number for the Project is 2002021105. The July 2020 Moon Camp FEIR is provided as Appendix 1 to this Partially Recirculated DEIR (PRDEIR) No. 3.

On August 28, 2020, the Friends of Big Bear Valley, San Bernardino Valley Audubon Society, Inc., and Center for Biological Diversity (collectively, the petitioners), filed a lawsuit against the County alleging, among other things, that the County failed to comply with CEQA in approving the Project. The matter came before the San Bernardino County Superior Court at a hearing on January 20, 2022. As discussed in more detail in Section 1.1.3 *infra*, the Court concluded the County failed to comply with CEQA in two narrow circumstances. The Court issued a writ of mandate that ordered the County to set aside and vacate (1) the certification of the Project's EIR, (2) the CEQA Findings of Fact and Statement of Overriding Considerations, (3) the mitigation Monitoring and Reporting Program, and (4) approval of Tentative Tract Map No. 16163.

The purpose of this PRDEIR is to correct the deficiencies identified by the Court in support of the County's reconsideration of the Project.

1.1.1 Project History

In March 2004, the County circulated a DEIR evaluating the Moon Camp Project and received numerous comments from the public in response to the DEIR. The Original Project consisted of 92 residential lots with 3 lettered lots, on 62.43 acres with a minimum lot size of 7,200 square feet, and development of a marina (boat dock) with 103 boat slips in the unincorporated community of Fawnskin (refer to **Figure 1-3**). The 2004 DEIR was recirculated in March 2005 to address cumulative effects, biological resource impacts, and wildfire. The March 2005 DEIR was finalized and published to the California Office of Planning and Research (OPR) State Clearinghouse in January 2006, but the January 2006 FEIR was not put forth before the County Board of Supervisors for certification. The Applicant, RCK Properties, Inc., decided to revise the Project to substantially reduce, and in some cases, completely avoid the significant environmental impacts identified in the 2006 Moon Camp FEIR (Original Project). The January 2006 FEIR is

provided as Appendix 2 to this Partially Recirculated Draft EIR No. 3. Thus, partially in response to the comments received on the January 2006 FEIR, the Original Project was redesigned, and the EIR was revised and recirculated in April of 2010, analyzing the revised Project Description, in place of the Original Project Description. This revised Project Description is referred to as the 2010 Alternative Project, and was analyzed in the April 2010 RRDEIR No. 1, which is provided as Appendix 3 to this PRDEIR No. 3. The 2010 Alternative Project reduced the number of residential lots from 92 to 50, and included 7 lettered lots. Of the seven lettered lots, one would be designated Open Space/Conservation (4.91 acres), one would be designated as Open Space/Neighborhood Lake Access (0.82 acre with 891 lineal feet of lakefront access), one would be developed as the marina parking lot for a 55-slip private boat marina (2.90 acres), three include existing well sites, and the final lettered lot is a potential reservoir site. Ultimately, the 50 residential lots would have a minimum lot size of 20,000 SF and would be sold individually and developed into individual custom homes.

Finally, although already determined to be less than significant with mitigation, the County commissioned a Focused Special Status Plant Species Survey, dated August 2010 (Appendix 5 [also found as Appendix A.11 to the December 2011 RRDEIR No. 2 provided as Appendix 3]), to confirm the conclusion in the April 2010 RRDEIR No. 1 that impacts to the ashy-gray Indian paintbrush (*Castilleja cinerea*; a Federally-Listed Threatened Species) would be 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 (USFS) pebble plain habitat near the northeast portion of the Project site (**Figure 1-5**). The 2010 Focused Special Status Plant Species Survey showed the presence of high densities of ashy-gray Indian paintbrush plants on the westernmost Lots (Lots 1, 2 and 3) in the area west of “Street A”—the public roadway proposed to traverse through the Project site.

Additionally, the 2010 Supplemental Focused Special Status Plant Species Survey, which provided for an above-average precipitation year for observation, determined that the area thought to be pebble plain habitat located within Lot A (as identified within the Supplemental Focused Rare Plant Survey, dated June 29, 2008, Appendix 6 [also found as Appendix B.9 to the April 2010 RRDEIR No. 1 provided as Appendix 3]), is not a true pebble plain habitat due to the lack of presence within the Project site of two key indicator species (*Arenaria ursina* and *Eriogonum kennedyi austromontanum*).

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 further minimize impacts to this species. This iteration of the Project is referred to as the 2011 Alternative Project and is the version of the Project ultimately approved by the County in July 2020. The redesigned subdivision (TTM No. 16136, provided as **Figure 1-1**) creates an eighth lettered lot, Lot “H” Open Space Conservation Easement, over the area with the highest concentration of plants, which covered 2010 Alternative Project Lots 1-3 (refer to **Figure 1-4**). The 2011 Alternative Project created 3 replacement residential lots proposed to be created along the south side of Street “A”, which is an area with significantly lower concentrations of ashy-gray Indian paintbrush. Thus, in order to address the revision in the subdivision, and to address the findings presented in the 2010 Supplemental Focused Special Status Plant Species Survey (Appendix 5), the County determined that certain chapters and/or portions of prior analyses should be revised and recirculated for public review. Thus, the December 2011 RRDEIR No. 2 was prepared, as addressed above.

In conclusion, a summary of the impacts and findings of significance for the formerly circulated EIRs for the Moon Camp Project prior to the 2020 FEIR are discussed below, and the environmental documents are provided as Appendices to this PRDEIR No. 3 as a record of past circulations of the Moon Camp EIR:

- January 2006 FEIR (Original Project)(Appendix 2)
 - 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).
- April 2010 RRDEIR No. 1 (2010 Alternative)(Appendix 3)
 - The RRDEIR No. 1 concluded that, with implementation of mitigation measures, all significant and unavoidable impacts resulting from implementation of the 2010 Alternative Project would be reduced to less than significant levels, with the exception of impacts to the American Bald Eagle, which remained significant and unavoidable.
- December 2011 RRDEIR No. 2 (2011 Alternative)(Appendix 4)
 - Based on the project redesign and creation of additional conservation area, the RRDEIR No. 2 concluded that impacts to the ashy-gray Indian paintbrush would continue to be less than significant with the identified mitigation measures intended to protect this species through conservation. However, the impacts to the American Bald Eagle remained significant and unavoidable

1.1.2 Litigation and Writ of Mandate

As discussed above, the April 2010 RRDEIR No. 1 was circulated for public review from April 5, 2010, to June 3, 2010, and 109 comment letters were received, while the December 2011 RRDEIR No. 2 was circulated from December 12, 2011 to February 7, 2012, and 32 comment letters were received. In July of 2020, the County prepared a FEIR, which included responses to all 141 comment letters received from federal, State, and regional agencies, as well as from organizations and individuals on RRDEIR No. 1 and No. 2.

On July 28, 2020, the County Board of Supervisors approved the proposed Project which consisted of (1) a General Plan Amendment and change to the Land Use Zoning District from Bear Valley/Rural Living-40 acres (BV/RL-40) to Bear Valley/Single Family Residential-20,000-square foot minimum lot size (BV/RS-20m), (2) Tentative Tract Map No. 16136, (3) certification of the Final EIR for the Project, and (4) adoption of CEQA findings of fact, statement of overriding considerations, and a mitigation monitoring and reporting program. In making its findings, the County concluded that the proposed Project would have a significant effect on the environment, and mitigation measures were made a condition of the Project approval. The County filed a Notice of Determination (NOD) with the County Clerk on July 29, 2020, and with the State Clearinghouse on August 4, 2020. Shortly thereafter on August 28, 2020, the Friends of Big Bear Valley, San Bernardino Valley Audubon Society, Inc., and Center for Biological Diversity (collectively, the petitioners), filed a lawsuit against the County alleging, among other things, that the County failed to comply with CEQA in approving the Project.

On October 26, 2020, the petitioners filed a first amendment to the petition for writ of mandate challenging the County approval of the Project. By way of the first amended petition, petitioners requested that the Court issue a writ of mandate finding the County failed to comply with CEQA in approving the Project and ordering the County to rescind the Project approvals.

The matter came before the San Bernardino County Superior Court at a hearing on January 20, 2022. After the hearing Superior Court judge David Cohn issued a ruling that found the County failed to comply with CEQA in 2 narrow instances:

1. There was no substantial evidence supporting the determination that impacts to the Ashy-Gray Indian Paintbrush were reduced to less than significant levels with the implementation of identified mitigation measures. Specifically, the Court found that there was no substantial evidence in the record supporting the County's finding that the preservation of the 10-acre Dixie Lee Lane parcel mitigated Project impacts to the Ashy-Gray Indian Paintbrush or pebble plain habitat.
2. The County's finding that the Project would have a less than significant impact on Wildfire Safety Hazards and Emergency Evacuation. Specifically, the Court concluded that the record failed to include substantial evidence supporting the finding that the identified evacuation routes are adequate to safely and efficiently evacuate the residents and the guests of the Project in the event of a wildfire.

All other grounds for the petition were denied. Based on this ruling, the Court issued a writ of mandate that ordered the County to set aside and vacate (1) the certification of the Project's EIR, (2) the CEQA Findings of Fact and Statement of Overriding Considerations, (3) the mitigation Monitoring and Reporting Program, and (4) approval of Tentative Tract Map No. 16163.

Severable from the Court's order is the County's approval of the General Plan and Zoning Amendment designating and rezoning the Project site from Rural Living-40 acres to Single-Family Residential-20,000-square foot minimum lot size (Board of Supervisors Ordinance 4391 and Resolution 2020-155). These approvals were determined to be severable due to the County's subsequent approval and adoption of an amended General Plan (Countywide Plan) on October 27, 2020, which designated the Project site as Very Low Density Residential under the Countywide Plan, with the Zoning district of the Project site as Bear Valley/Residential Single-20,000 SF Minimum (BV/RS-20M). Such approval was supported by the County's Countywide Plan Program EIR, certified in October 2020. As the Project conforms with the new Very Low-Density Residential land use designation, a General Plan Amendment (GPA) is no longer required. Furthermore, as the Project conforms with the new BV/RS-20M Zoning district, a Zoning Amendment is no longer required. Although the zoning map still includes the "BV" designation, indicating that the Project site is located within the Bear Valley Community Plan, all community plans were repealed on October 27, 2020 (Board of Supervisors Resolution No. 2020-198) and are no longer applicable. The "BV" designation, although no longer applicable, remains on the zoning map until the County adopts a comprehensive zoning update to reflect the changes made by the Countywide Plan.

1.1.3 Partially Recirculated Draft Environmental Impact Report

In response to the Court's writ of mandate, the County has chosen to take specific action necessary to bring its consideration of the Project into compliance with CEQA. The County has determined that revising the relevant sections of the July 2020 FEIR to address the inadequacies identified by the Court is the appropriate process for complying with the Court's ruling and writ of mandate. Thus, this PRDEIR No. 3 has been prepared pursuant to Section 15234 of the CEQA Guidelines, which only requires additional environmental review of portions of the July 2020 FEIR found by the Court not to comply with CEQA, consistent with principles of *res judicata*.

The purpose of this PRDEIR 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. The Land Use and Planning Subchapter of the EIR is being recirculated as part of this PRDEIR No. 3 to analyze the Project's consistency with the San Bernardino County Countywide Plan, adopted October 27, 2020, after the County's approval of the Moon Camp Project. Further details on the exact scope of this PRDEIR No. 3 are provided below.

1.2 CONTENT OF THE DRAFT PARTIALLY RECIRCULATED ENVIRONMENTAL IMPACT REPORT

As described above and affirmed in Section 15088.5(c) of the CEQA Guidelines, if the revisions to an EIR are limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified. Therefore, the County is only including the following revised sections in this PRDEIR No. 3:

Chapter 1: Introduction. This chapter includes Moon Camp Project background and a history of the Project environmental documentation. It provides a description of the purpose and organization of the PRDEIR No. 3, in addition to providing a clear description of the Moon Camp Project analyzed in this PRDEIR No. 3. A summary of mitigation measures is also provided in a Table at the end of this Chapter.

Subchapter 2.1: Biological Resources. This section analyzes the Moon Camp Project's impacts on the ashy-gray Indian paintbrush and on pebble plain habitat.

Subchapter 2.2: Land Use and Planning. This section analyzes the Moon Camp Project's consistency with the 2020 San Bernardino Countywide Plan.

Subchapter 2.3: Hazards and Hazardous Materials (Wildfire Evacuation Risk). This section analyzes the Moon Camp Project's impacts on wildfire evacuation and risks thereof.

Chapter 3: Report Preparers. This chapters identifies the PRDEIR No. 3 authors and the consultants who provided analysis in support of the conclusions made in this PRDEIR No. 3.

Chapter 4: References. This chapter sets forth a comprehensive listing of all sources of information used in the preparation of this PRDEIR No. 3.

Comments on this PRDEIR No. 3 shall be limited to the recirculated portions herein per Section 15088.5(f)(2) of the CEQA Guidelines.

Please note that, as the Moon Camp Project has been analyzed in the January 2006 FEIR, and more recently in the two former revised and recirculated DEIRs, in addition to the 2020 FEIR, this PRDEIR No. 3 has been organized with a focus on responding to the Writ of Mandate, and addresses (1) those issues that the Court found deficient in its January 20, 2022 decision, and (2) the issue of Project land use consistency as a result of the recently adopted San Bernardino Countywide Plan. Thus, the organization of this PRDEIR No. 3 does not conform to the organization of past EIR iterations.

The analysis and conclusions that were presented in the January 2006 FEIR, as modified by April 2010 RRDEIR No. 1 and December 2011 RRDEIR No. 2, for all other impact areas, including

Cumulative Impacts, Alternatives, and Other CEQA Analysis (significant environmental effects which cannot be avoided if the proposed Project is implemented, significant irreversible environmental changes which would be caused by the proposed Project should it be implemented, and growth inducing impacts), have not changed. Thus, those sections addressing all other impact areas will not be recirculated as part of this PRDEIR No. 3.

1.3 MOON CAMP PROJECT DESCRIPTION

The Project Description for the Moon Camp Project remains mostly unchanged from that which was adopted as part of the July 2020 FEIR. The Project that was contemplated in the July 2020 FEIR remains the same, but the underlying land use designations and zoning districts have since changed as a result of the adoption of the San Bernardino Countywide Plan in October 2020. As a result, the land use designation has been modified to Very Low Density Residential (VLDR), and the Zoning district of the Project site has been modified to BV/RS-20M, to which the Moon Camp Project conforms. The land use and zoning consistency, in addition to the Project as a whole, are discussed in detail below.

1.3.1 Project Location and Setting

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 (refer to **Figure 1-2** Regional Location, and **Figure 1-3**, Local Vicinity). State Route 38 (SR-38), also known as North Shore Drive, provides access to the Project site and 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.

The Project site is located in the Section 13, Township 2 North, Range 1 West, San Bernardino Baseline and Meridian (SBBM), within the Fawnskin, CA USGS 7.5-minute topographic map,. 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. The geographical coordinates for the proposed Project are 34.264°, -116.933°.

1.3.2 Project and Surrounding Land Use and Zoning Districts

The Project site is currently vacant and undeveloped and is designated in the by the San Bernardino Countywide Plan for VLDR use (refer to **Figure 1-6**, Land Use Designations). The primary purpose of the VLDR, as identified in the Countywide Plan Land Use Element, is to allow for very low-density residential uses when developed as single-family neighborhoods that can share common infrastructure, public facilities, and services. The Project is located within the BV/RS20M Zoning District, which provides sites for single-family residential uses, incidental agricultural and recreational uses, and similar and compatible uses. **Table 1.3-1**, Existing Land Use and Official Land Use Zoning District, identifies the land use category of the site and surrounding properties, as well as the current land use zoning designations.

**Table 1.3-1
 Existing Land Use and Official Land Use Zoning District**

Existing Land Use		Official Land Use Designations and Zoning Districts
Project Site	Vacant	Land Use Designation: Very Low Density Residential (VLDR) The VLDR designation allows for very low-density residential uses when developed as single-family neighborhoods that can share common infrastructure, public facilities, and services. Zoning: BV/RS-20M (Bear Valley/Single Residential–20,000 SF Minimum) The RS (Residential) zoning district provides sites for single-family residential uses, incidental agricultural and recreational uses, and similar and compatible uses.
North	Residential (N and NW) Forest (N and NE)	Land Use Designation: Open Space (OS) (United States Forest Service [USFS]), Resource/Land Management (RLM), and Low Density Residential (LDR). Zoning: BV/RS (Single Residential) and BV/RL-10 (Rural Living, 10-acre minimum lot size) BV/RC Resource Conservation (USFS)
South	Big Bear Lake (S) Residential (SE)	Land Use Designation: Floodway (FW) (Big Bear Lake) and LDR (Existing residential subdivision) Zoning: BV/FW Floodway (Big Bear Lake) and BV/RS (Existing residential subdivision)
East	Vacant Forest (N and NE)	Land Use Designation: OS (USFS) Zoning: BV/RC (Bear Valley/Resource Conservation)
West	Vacant, Residential	Land Use Designation: Special Development (SD) and RS. Zoning: BV/SD-RES Bear Valley/Special Development-Residential and BV/RS.
Source: San Bernardino County.		

1.3.3 Proposed Project Description

The Project consists of the subdivision of the site into 58 lots within the 62.43-acre site—50 numbered lots (single family residential lots) to be sold individually and developed into custom homes, and 8 lettered lots described as follows:

- 3 designated as Open Space/Conservation easements and Neighborhood Lake Access;
- 3 designated as well sites;
- 1 designated as a potential reservoir site; and
- 1 would be developed as the marina parking lot, the majority of which has been reserved as a conservation easement for bald eagle and rare plant habitat conservation.

The Project proposes 6.2 acres of Open Space, Conservation, and Neighborhood Lake Access within the Project site. Within this 6.2 acres, 4.84 acres of the Project preserves occupied ash-gray Indian paintbrush that will be preserved in perpetuity as part of Project implementation. Additionally, the parts of Lots C (marina parking) and D (well site) have been included as part of the Project conservation easement due to the number of trees along the lake shore line that are suitable for Bald Eagle perching and foraging for fish and waterfowl over Big Bear Lake. Thus, the development of the Moon Camp Project would establish conservation easements on-site totaling up to 9.2-acres covering all of Lots A, B and H, and parts of Lots C and D.

The Project also includes a 55-boat slip marina that would be open for a designated portion of the year between April 2 and November 30 annually. The marina parking lot also includes some open space for the preservation of existing trees. However, because of the development of the parking lot, the lot is not considered part of the Project's total provided Open Space.

One change from the Project approved in July of 2020 is that the 10-acre off-site parcel known as the Dixie Lee Lane parcel that was to be conserved as required by FEIR Mitigation Measure MM BR-1a, is now included as a project-related community benefit. As part of the Project, the applicant intends to permanently preserve the Dixie Lee Lane parcel by including it in a conservation easement and managed pursuant to the terms of the Project's Long Term Management Plan as required by Project conditions of approval. Though the Dixie Lee Lane parcel is no longer considered mitigation in the PDEIR, the parcel will be preserved in perpetuity in a similar fashion as required by the previous mitigation measure.

Infrastructure

The discussion below outlines the infrastructure proposed to be developed as part of the proposed Moon Camp Project. No changes in the description of Project infrastructure have occurred since the publication of the July 2020 FEIR.

Water Service

Water Service for the Project site would be provided by the Big Bear Department of Water and Power (DWP). Although the Project site is partially located outside of the DWP Service area and sphere of influence, the DWP and County CSA 53C entered into an Outside Service Agreement for Potable Water Service dated November 17, 2015, whereby DWP and CSA 53C agreed that, because of the lack of potable water facilities operated by CSA 53C in the Fawnskin area, it was not economical for CSA 53C to be the water provider for the Moon Camp property and that it was more appropriate for DWP to be the water purveyor. LAFCO approved the Agreement at its November 18, 2015 meeting. For DWP to provide potable water to the Project site, significant improvements to the upper Fawnskin pressure zone are necessary. The three ground water production wells located within the Project site would be deeded to DWP at the time the tract map is recorded. DWP has conducted a Water Feasibility Study (Alda 2007), and provided a conditional will serve letter to the Applicant. The developer would be required to construct the on-site and off-site facilities as described in the DWP's Water Feasibility Study (Alda 2007), as amended by the 2011 update, as discussed below.

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 ft 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 ft of 12-inch pipeline along private easement to connect Fawnskin Drive and Canyon Road.
- 650 ft of 12-inch pipeline along Canyon Road to Chinook Road.
- 600 ft of 12-inch pipeline along Chinook Road to Flicker Road.
- 500 ft of 12-inch pipeline along Flicker Road to Mesquite Drive.

- 400 ft of 12-inch pipeline along Mesquite Road to North Shore Drive.
- 250 ft 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 gpm.
- 50KW onsite emergency generators at the Cline Miller Reservoir.

See **Figure 1-6** for the proposed water facilities and improvements.

Projected water demand for the proposed Moon Camp 50-lot residential subdivision is based on the Water Feasibility Study's consumption rate of 250 gallons per day (gpd) per connection. **Figure 1-7**, Proposed Water Facilities, shows the Moon Camp water system proposed in the Water Feasibility Study. Maximum day demand is estimated based on information provided in the 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 Daily Demand (ADD) = 12,500 gpd or 8.68 gpm; and
- Maximum Daily 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 (MG) or 14.0 acre-feet per year (AFY).

Wastewater Service

The Project site is located within County Service Area 53, Improvement Zone B (CSA 53B) administered by the County of San Bernardino Special Districts Department. The Sewer Feasibility Study indicated that the existing sewer system located adjacent to the Project site to the southeast and southwest is capable of handling the wastewater flows from the Project.

The Applicant would be responsible for all plumbing and sewer facilities located within the site, including manholes and connection to the CSA 53B system at locations that have been approved by CSA 53B. **Figure 1-8**, Proposed Sewer Facilities, displays the preliminary system. The Applicant would also be responsible for an off-site sewer extension of approximately 1,200 linear feet along North Shore Drive to connect to an existing CSA 53B collector sewer to the southwest of the property. This extension would accommodate the westerly lots. The easterly lots would be served by a gravity sewer extended to the existing CSA 53B Pump Station B to the southeast of the property. Depending upon where some of the houses are built, some lots may require a residential sewage pump station to transport the lot's sewage up to the sewer line in the street adjoining the property.

The wastewater conveyance system on-site would be designed to accommodate these conditions and would be subject to review and approval by the County Special District's Engineer. In addition, regional connection fees would be imposed by the Big Bear Area Regional Wastewater Authority (BBARWA).

Roadway Facilities

The Project will include development of roadway facilities to service the Project and provide direct access for the residents to SR-38. The Project proposes two points of ingress and egress from SR-38 with Street "A" terminating on the east-end of the Project in the cul-de-sac. The Project roadway system will consist of standard two-lane roadways with two stop sign-controlled intersections on SR-38 and one intersection interior to the Project. Development of the roadway infrastructure will occur at one time at the initial phase of Moon Camp development.

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**Table 1.5-1
 SUMMARY OF IMPACTS AND AVOIDANCE, MINIMIZATION AND MITIGATION MEASURES DISCUSSED IN THIS PRDEIR No. 3**

Environmental Category / Avoidance, Minimization and Mitigation Measures		Responsible Agency
BIOLOGICAL RESOURCES		
BR-1a	<p>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.</p> <p>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. 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.</p>	San Bernardino County
BR-1b	<p>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 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.</p>	San Bernardino County

Environmental Category / Avoidance, Minimization and Mitigation Measures	Responsible Agency
<p>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.</p>	
<p>BR 1-c The Project Applicant shall take the following actions to further ensure the permanent preservation of the Conservation Areas:</p> <ul style="list-style-type: none"> • 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. 	<p>San Bernardino County</p>

Environmental Category / Avoidance, Minimization and Mitigation Measures	Responsible Agency
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.	San Bernardino County
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.	San Bernardino County
BR-3. Given the negative results of on-site surveys 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: <ul style="list-style-type: none"> • 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. • The Project Applicant must compensate for the removal of suitable habitat through construction and erection of two nest boxes and one aggregate box per snag removed. • The Project Applicant is required to provide homeowners with information on the biology of the San Bernardino 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 Monitoring and Reporting Program as mandated by CEQA. <p>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.</p>	San Bernardino County
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 by trimming and limbing to make suitable for eagle perching. The exact method of perch tree replacement shall be made after consultation with a certified arborist. Prior to commencement of construction activity, the 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	San Bernardino County

Environmental Category / Avoidance, Minimization and Mitigation Measures	Responsible Agency
<p>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 Homeowners 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.</p>	
<p>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.</p>	<p>San Bernardino County</p>
<p>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.</p> <p>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 July 31 (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.</p>	<p>San Bernardino County</p>
<p>BR-7. Vegetation removal, clearing, and grading on the Project site shall 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.</p>	<p>San Bernardino County</p>

Environmental Category / Avoidance, Minimization and Mitigation Measures	Responsible Agency
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 Conditions, Covenants & Restrictions (CC&Rs).	San Bernardino County
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).	San Bernardino County
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.	San Bernardino County
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's Association CC&Rs and a map of designated hiking trails will be provided to all residents.	San Bernardino County
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, non-native plant species are not to be used in the proposed landscaping. The biologist will suggest appropriate native plant substitutes or non-invasive, nonnative 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's 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.	San Bernardino County
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.	San Bernardino County

Impact Description	Impact After Mitigation
<p>Subchapter 4.2 examines whether the proposed Moon Camp Project would have a substantial adverse effect upon biological resources, specifically Project related impacts to the federally listed as threatened ashy-gray Indian paintbrush (<i>Castilleja cinerea</i>) or sensitive pebble plain habitat on the proposed Project site, as well as any indirect substantial effect upon any biological resources in the Big Bear Valley. The analysis is focused solely on this issue.</p> <p>Development of the proposed Project has the potential to significantly impact the 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. Furthermore, the Project may also significantly impact bald eagle.</p> <p>Pebble Plain Habitat</p> <p>Section 4.2 analyzes the potential for the Project to result in a significant impact to the sensitive Pebble Plain habitat. The 2011 RRDEIR concluded that the project site did not contain true Pebble Plain habitat due to the lack of presence of the two indicator species. The 2023 Memo prepared by Jacobs Engineering Group Biologist, Daniel Smith concluded that the determination that no true pebble plain habitat exists on the project site was correct, and thus, the implementation of the proposed Project will have no potential to impact pebble plain habitat, and thus would not result in a potentially significant impact and no mitigation is required.</p> <p>Since, no true pebble plain habitat exists on the project site, and thus, the implementation of the proposed Project will have no potential to impact pebble plain habitat, and thus would not result in a potentially significant impact and no mitigation is required. Note that the Project Applicant, RCK Properties, owns the 10-acre Dixie Lee Lane parcel. The permanent protection of which was included as a mitigation measure in the FEIR certified by the County in connection with the 2020 approval of the Project. According to the 2010 Focused Special Status Plant Species Survey, the 10-acre Dixie Lee Lane parcel is estimated to contain very high densities of the two indicator species for pebble plain habitat—<i>Arenaria ursina</i> and <i>Eriogonum kennedyi austrorontanum</i>—with an estimated population in the tens of thousands. Moreover, Dr. Krantz characterized the Dixie Lee Lane property parcel as a “textbook example of this rare plant community.” Dr. Krantz further opined that, to the best of his knowledge, the Dixie Lee Lane property parcel represents the highest density of pebble plain plant species of any privately held land in Big Bear Valley. The Dixie Lee Lane parcel is currently owned by the applicant and has no deed restrictions. As part of the proposed Project, the Project Applicant is offering this 10-acre parcel as a benefit to the community to be preserved in perpetuity, which will be enforced through the County’s Conditions of Approval for the Project. However, the creation of a conservation</p>	<p>The Project revisions incorporated into the Moon Camp Project analyzed in Subchapter 4.2, are in direct response to the 2010 Focused Special Status Plant Species Survey prepared by Dr. Krantz. The survey identified a large number of ashy-gray Indian paintbrush occurrences in the western portion of the Project site, which shall be conserved through the creation of conservation areas A and H, as shown on Figure 4.2-2.</p> <p>Ashy-Gray Indian Paintbrush</p> <p>The 2010 Focused Special Status Plant Species Survey concluded that Project site contained 7.71 acres of habitat for the ashy-gray Indian paintbrush, of which 4.84 acres will be permanently preserved on-site. This results in mitigation of project impacts on a 1.68:1 ratio, on an acreage basis. On an occurrence basis, the Project site contains 5,567 occurrences of ashy-gray Indian paintbrush with 88 percent, or 4,895 of the occurrences within the Project site will be protected through permanent conservation easements designated within both lettered Lots A and H, which equates to a conservation on an occurrence basis of approximately 7:1. The conservation easements would be established through MM BR-1b, and the preservation of the conservation easements would be ensured through MM BR-1c. Furthermore, MM BR-1a would provide for an attempt to salvage ash-gray paintbrush seed prior to any Project related impacts to this species, and MM BR-1d would require the construction within Lots 1, 4, 47, 48, 49, and 50 to be restricted by means of building envelopes or building setback lines to prevent construction in the occupied ashy-gray Indian paintbrush habitat, wherever feasible, thereby minimizing impacts to the plants that can be feasibly retained as part of the Project. The permanent preservation of the 10-acre Dixie Lee Lane parcel was included as a mitigation measure in the 2020 FEIR. Although the permanent preservation of that parcel is included as a Project community benefit, permanent preservation of the parcel is not required to mitigate impacts to the Ashy-Gray Indian Paintbrush to less than significant levels. This is because impacts to Ashy-Gray Indian Paintbrush, as discussed under issue (a), above, can be mitigated to a level of less than significant with implementation of the 4 mitigation measures discussed in the adjacent column.</p> <p>Significant and unavoidable impacts related to Biological Resources have been identified for impacts to bald eagle. MM BR-4 would mitigate impacts by requiring replacement of perch trees at a ratio of 5:1 with the creation of artificial perch trees along the shoreline designated open space. In addition, any development that may occur within the Project site and in the individual lots must avoid impacts to these trees and their root structures. All construction or landscaping improvements, including irrigation, will be prohibited on or around the exposed root structures or within the dripline of these trees. However, because the Project would result in a permanent</p>

Impact Description	Impact After Mitigation
<p>easement at the Dixie Lee Lane parcel is not considered mitigation to offset impacts to any special status plants (such as ashy-gray Indian paintbrush) or sensitive natural communities (such as pebble plain habitat), as originally identified in the 2020 FEIR for the Moon Camp Project.</p>	<p>change in existing conditions under which the bald eagle currently occupies the site and vicinity, impacts would remain significant and unavoidable.</p> <p>It should be noted that CEQA requires all potentially significant impacts be avoided or substantially reduced prior to project approval. As previously noted, the Project is likely to result in significant unavoidable impacts to the 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 noise impacts are considered a significant impact under CEQA. This threshold is so restrictive that there is no reasonable configuration to the Moon Camp 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.</p> <p>No additional significant impacts related to Biological Resources have been identified following implementation of mitigation measures and/or compliance with applicable standards, requirements and/or policies by the County of San Bernardino.</p>

Environmental Category /Avoidance, Minimization and Mitigation Measures	Responsible Agency
HAZARDS AND HAZARDOUS MATERIALS	
<p>HAZ-1. <u>Fire Access Road Maintenance</u>: 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.</p>	<p>San Bernardino County</p>
<p>HAZ-2. <u>Updates to the Wildfire Evacuation Plan</u>: The Wildfire Evacuation Plan shall be 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.</p>	<p>San Bernardino County</p>
<p>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</p>	<p>San Bernardino County</p>

Environmental Category /Avoidance, Minimization and Mitigation Measures	Responsible Agency
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.	
T-1. Project Design Features recommended in the TIA shall be incorporated into the project design. These include: <ul style="list-style-type: none"> • Construction of North Shore Drive at its ultimate half-section width as a Mountain Major highway from Canyon Drive to the Easterly 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/North Shore Drive and Driveway 2/North Shore Drive for 2030 Buildout Conditions. 	San Bernardino County
T-2. The eastbound left turn lanes at both project access points will be constructed at opening year at 100% 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.	San Bernardino County
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: <ul style="list-style-type: none"> • 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. 	San Bernardino County

Impact Description	Impact After Mitigation
<p>Subchapter 4.3, Hazards and Hazardous Materials examined whether the proposed Moon Camp Project would have a substantial adverse impact with respect to hazards or hazardous materials by impairing implementation of or physically interfering with an adopted emergency response plan or emergency evacuation plan. The analysis is focused solely on this issue.</p> <p>It is estimated that the conservatively calculated minimum amount of time needed to move the existing, planned (future/cumulative) and Project populations to urbanized and/or designated evacuation areas would be</p>	<p>The hazards and hazardous materials evaluation in the DPEIR concluded that the identified evacuation hazards in the Program area can be adequately mitigated to a level of impact that is less significant. MMs HAZ-1 through HAZ-3 are required to ensure that updates to the Wildfire Evacuation Plan are made periodically, that the Ready, Set, Go! Program is implemented, and that fire road access is maintained. The circulation improvements determined to be necessary in the 2020 FEIR, and enforced by MMs T-1 through T-3, are not necessary conditions to minimize evacuation circulation impacts. However, implementation of MMs T-1 through T-3 would serve to further minimize traffic</p>

Impact Description	Impact After Mitigation
<p>approximately up to 1 hour and 42 minutes under varying constraints that may occur during an evacuation. 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 proposed Project would only add a maximum of 6 minutes to the evacuation times that would occur under Existing Land Uses with Cumulative Projects when the additional trips associated with the proposed Project are added to this scenario. Given this minimal addition to the time to it would take to evacuate to the nearest safety zone (in this case, the urban areas of the City of Big Bear Lake), the addition of the proposed Project to the Project area would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.</p> <p>This evacuation analysis forecasts impacts not based solely on a numerical threshold, but is qualitative in nature, based on the extent to which the Project would interfere with an adopted emergency response plan or emergency evacuation plan, if at all. The Project's resident population would be considered a small relative increase to the region's visitor and resident population. Regardless, the Project has provided a comprehensive evacuation evaluation, and the evacuation time results are comparable to similar sized populations under a mass evacuation. Further, any additional time that a Project adds to an evacuation time does not necessarily generate a greater safety risk.</p> <p>However, a significant impairment of implementation of an adopted emergency response plan or emergency evacuation plan could occur if updates to the Wildfire Evacuation Plan are not made to assess current conditions, and if the Ready, Set, Go! Program¹ is not clearly communicated to residents of the Moon Camp Project</p>	<p>conflicts during both normal and evacuation conditions, as the intent of these measures is to enhance circulation to a level of less than significant. Through the implementation of these mitigation measures, the proposed Project would have a less than significant potential to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.</p>

¹ The focus of the "Ready, Set, Go!" program (Appendix A of the Wildfire Evacuation Plan [Appendix 12, Volume 2 to this PRDEIR No. 3]) is on public awareness and preparedness, especially for those living and/or working in wildland-urban interface (WUI) areas. The program is designed to incorporate the local fire protection agency as part of the training and education process in order to ensure that evacuation preparedness information is disseminated to those who are subject to the potential impact from a wildfire.

Environmental Category / Avoidance, Minimization and Mitigation Measures	Responsible Agency
LAND USE / PLANNING No Mitigation Required.	--

Impact Description	Impact After Mitigation										
<p>Subchapter 4.4, examines whether the proposed Moon Camp Project would have a substantial adverse effect upon land use and planning, including consistency with the San Bernardino Countywide Plan. The County proposed to analyze the following environmental issue in this Subchapter of the PRDEIR No. 3: the Project's consistency with the County of San Bernardino Countywide Plan, adopted on October 27, 2020, after the Certification of the EIR and approval of the Project. The analysis is focused solely on this issue.</p> <p>The Project was determined to be consistent with the applicable San Bernardino Countywide Plan Goals and Policies, and the SCAG Connect SoCal Goals that have been adopted for the purpose of avoiding or mitigating an environmental effect. Furthermore, according to the Southern California Association of Governments (SCAG) 6th Cycle Final Regional Housing Needs Assessment (RHNA) Allocation Plan, the County's regional housing needs are as follows:</p> <p style="text-align: center;">Table 4.4-3 REGIONAL HOUSING NEEDS: UNINCORPORATED COUNTY OF SAN BERNARDINO²</p> <table border="1" data-bbox="205 906 1041 998"> <thead> <tr> <th>Total</th> <th>Very Low Income</th> <th>Low Income</th> <th>Moderate Income</th> <th>Above Moderate Income</th> </tr> </thead> <tbody> <tr> <td>8,832</td> <td>2,179</td> <td>1,360</td> <td>1,523</td> <td>3,770</td> </tr> </tbody> </table> <p>The proposed project would contribute 50 units to the SCAG identified 8,832 dwelling unit deficit within the Unincorporated areas of the County at present, thus complying with the goals of the County's Housing Element. Therefore, the implementation of this project at this site is consistent with the County's plans and policies. Based on the preceding information, implementation of the Moon Camp Project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, zone classification, or the County's Development Code) adopted for the purpose of avoiding or mitigating an environmental effect. No significant adverse impacts are anticipated under this issue and no mitigation is required.</p>	Total	Very Low Income	Low Income	Moderate Income	Above Moderate Income	8,832	2,179	1,360	1,523	3,770	<p>No mitigation is required to minimize impacts under this issue.</p>
Total	Very Low Income	Low Income	Moderate Income	Above Moderate Income							
8,832	2,179	1,360	1,523	3,770							

²SCAG, 2021. 6th Cycle Final RHNA Allocation Plan (approved by HCD on 3/22/21 and modified on 7/1/21) https://scag.ca.gov/sites/main/files/file-attachments/6th_cycle_final_rhna_allocation_plan_070121.pdf?1646938785 (accessed 06/12/23)

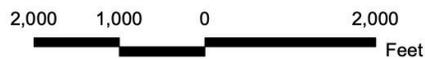


Source: National Agriculture Imagery Program, San Bernardino County (2009).



Michael Brandman Associates

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**Exhibit 1-2
Project Vicinity Map
Aerial Base**

SAN BERNARDINO COUNTY
MOON CAMP RESIDENTIAL SUBDIVISION PROJECT

FIGURE 1-2

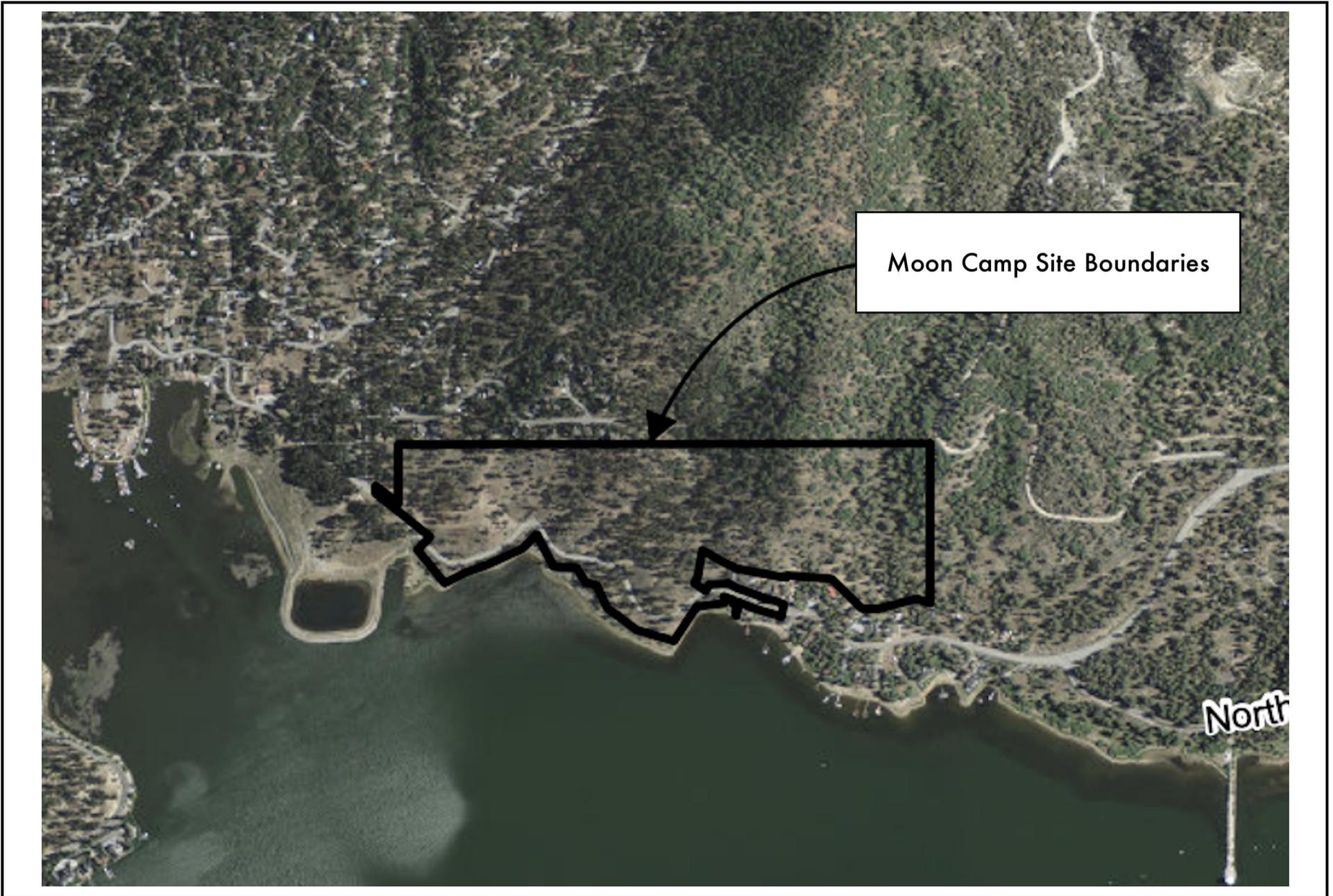
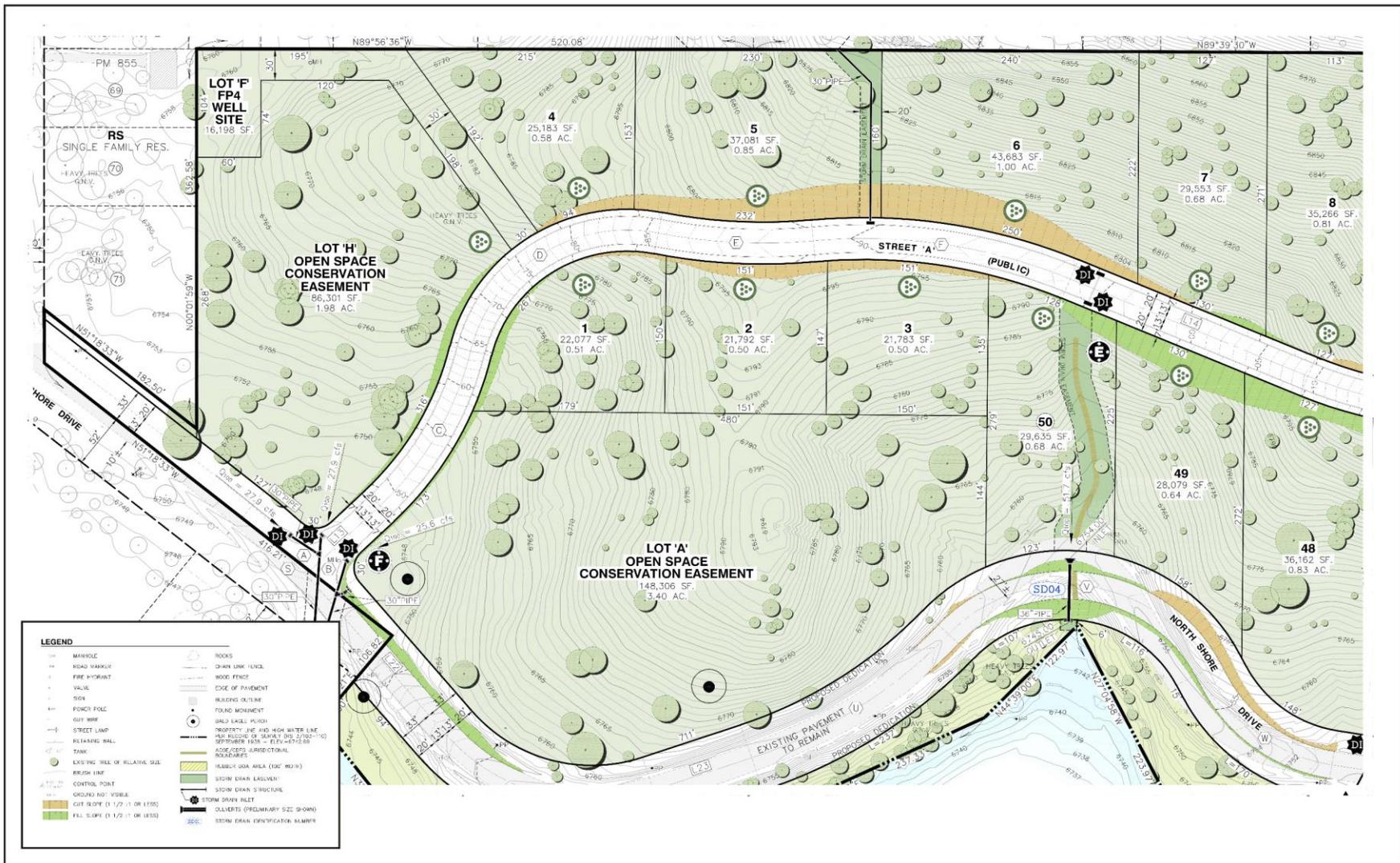


FIGURE 1-3



LEGEND

MANHOLE	ROCKS
ROAD MARKER	SHADE BANK / UNCL.
FIRE HYDRANT	WOOD FENCE
VALVE	EDGE OF PAVEMENT
SIGN	BUILDING OUTLINE
POWER POLE	FOUND MONUMENT
POST WIRE	GRASS EXIST. PATCH
STREET LIMIT	PROPOSED 1/2" AND HIGH WATER LINE
RETAINING WALL	PERM. BOUNDARY OF ADJACENT PLS. 27102-100
TANK	SEWER/STORM MAIN - EXISTING/PROPOSED
EXISTING TREE OF RELATIVE SIZE	ADJ. / PROP. JURISDICTIONAL BOUNDARIES
BRUSH LINE	UNCL. / UNCL. AREA (100' WIDE)
CONTROL POINT	STORM DRAIN (S) / UNCL.
GRADED / NO. / VERGE	STORM DRAIN STRUCTURE
CUT SLOPE (1:1 OR 1:1.5)	STORM DRAIN INLET
FILL SLOPE (1:1 OR 1:1.5)	VALVE (PRELIMINARY SIZE 24" OR)
	STORM DRAIN IDENTIFICATION NUMBER

Source:

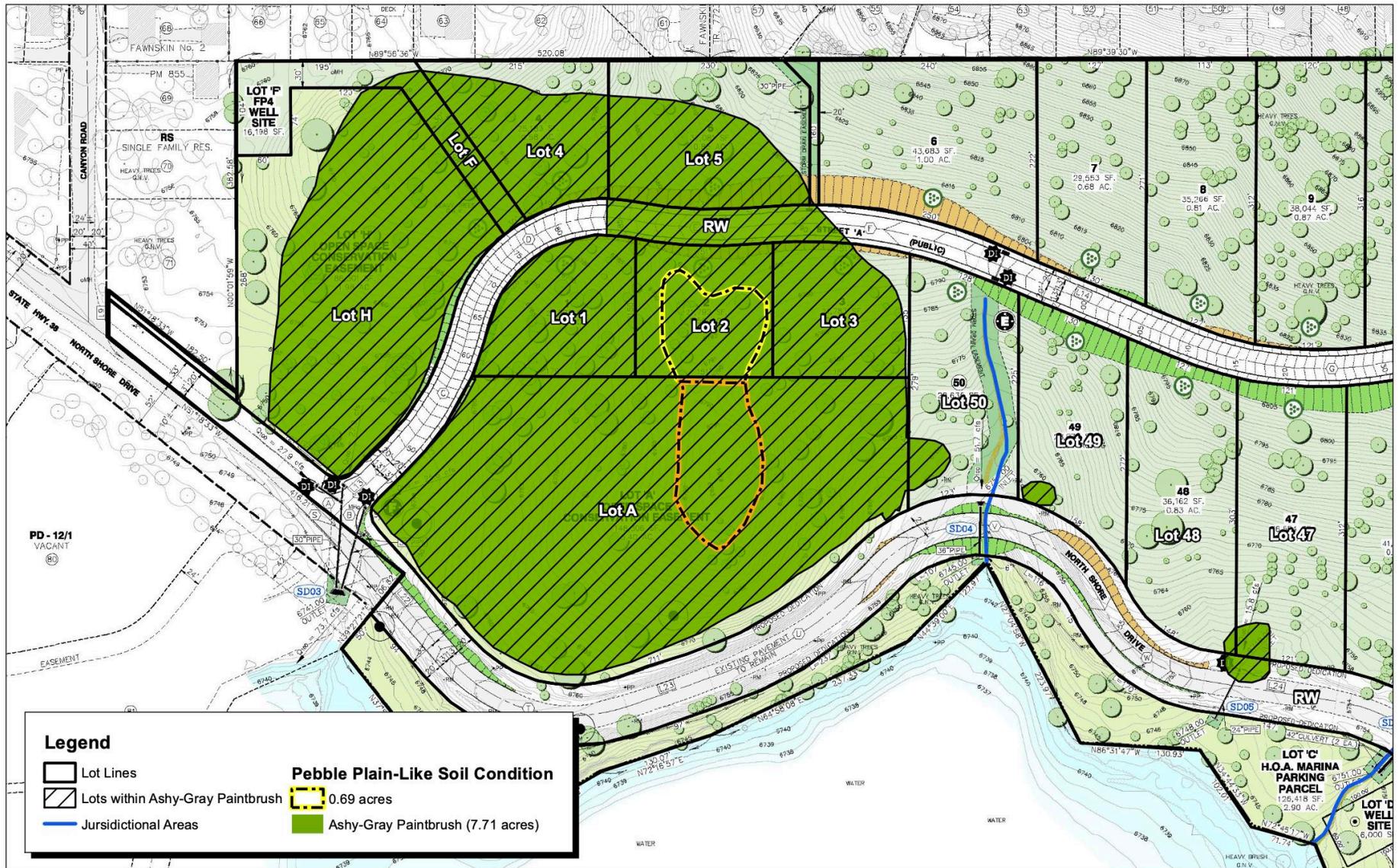


Michael Brandman Associates
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Moon Camp TTM No. 16136 Site Open Space and Conservation Easements

SAN DERNARDINO COUNTY
MOON CAMP RESIDENTIAL SUBDIVISION PROJECT

FIGURE 1-4



Source: Hicks and Hartwick, Inc.

FIGURE 1-5

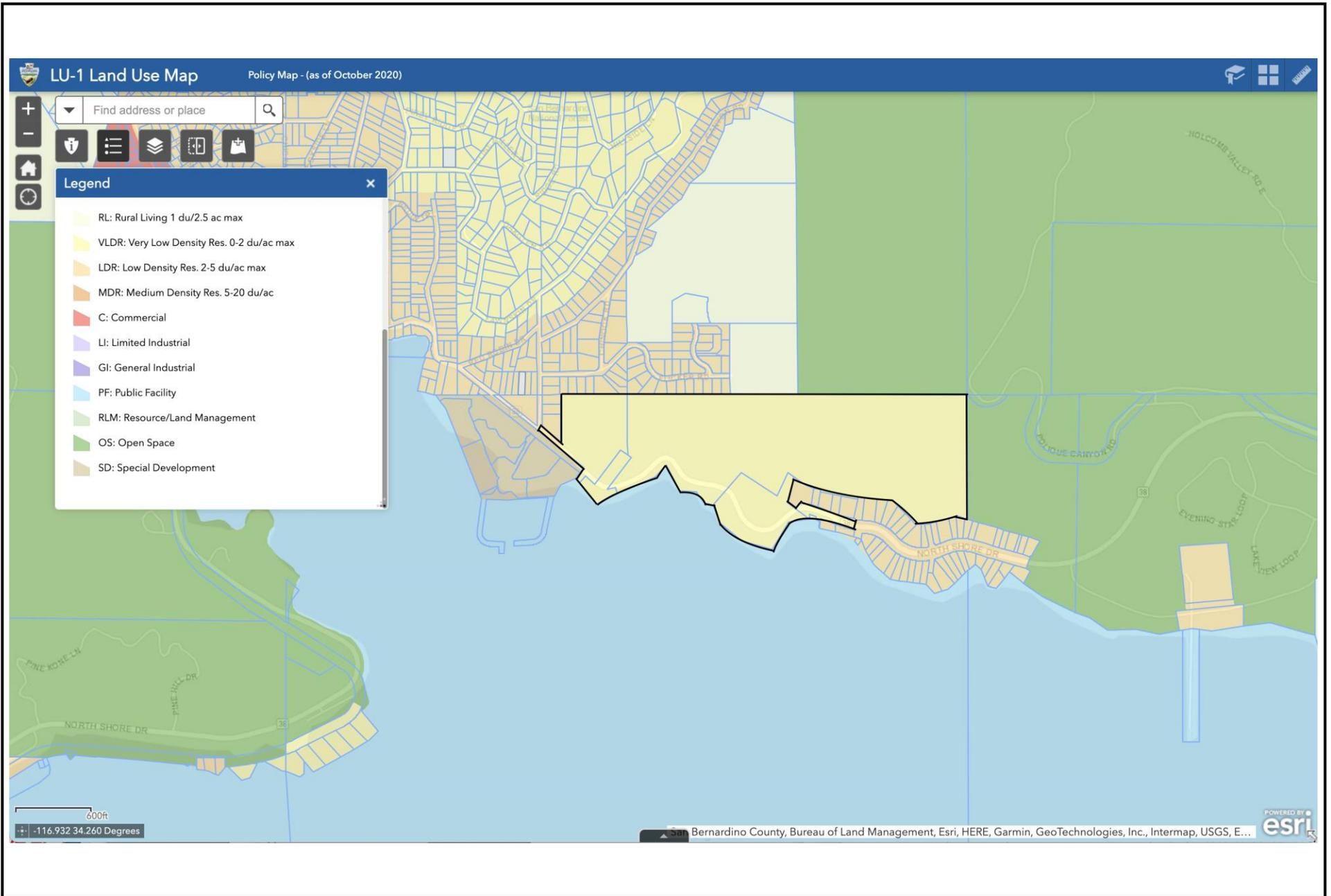
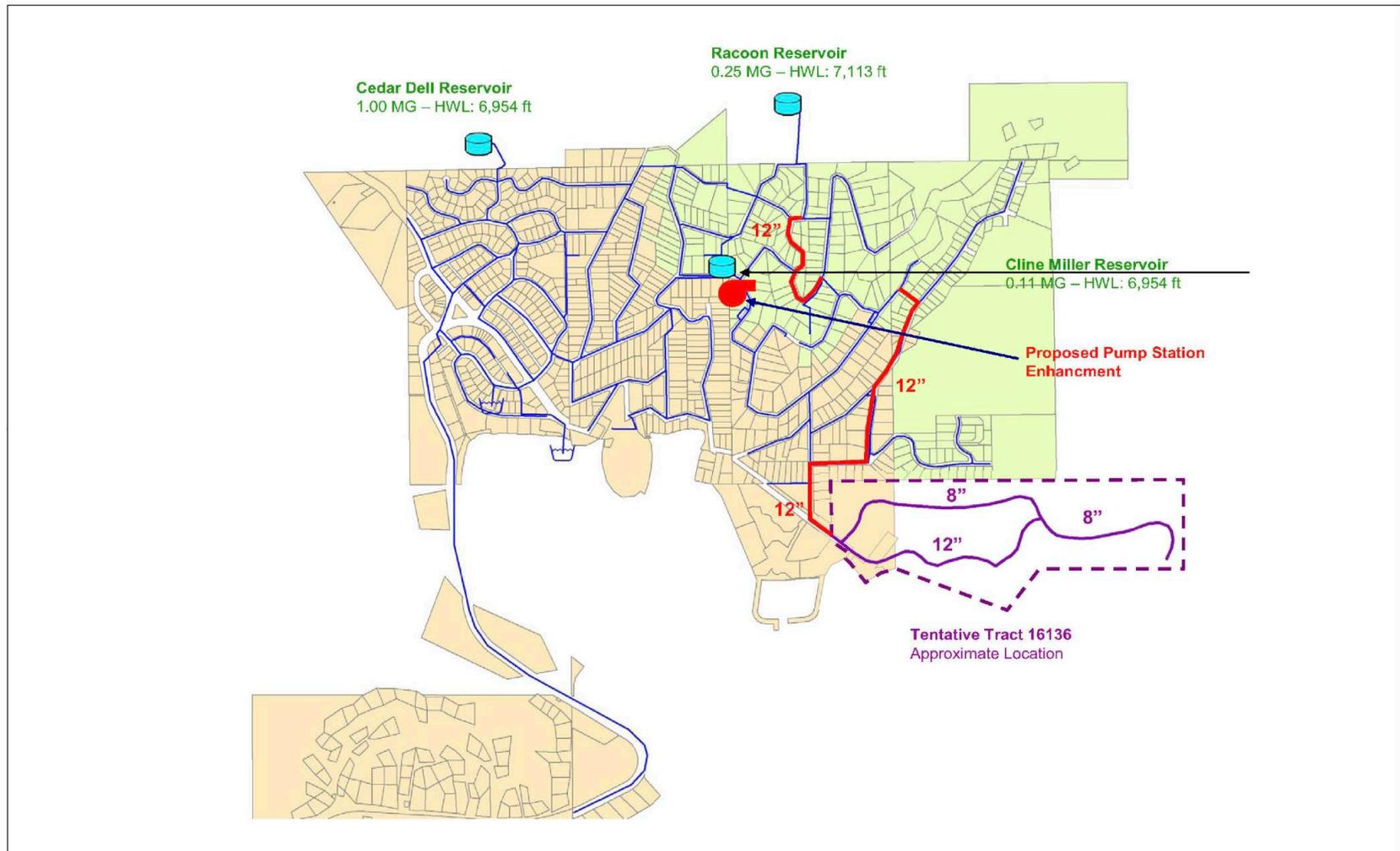


FIGURE 1-6



Source: ALDA Engineering Inc.



 Michael Brandman Associates

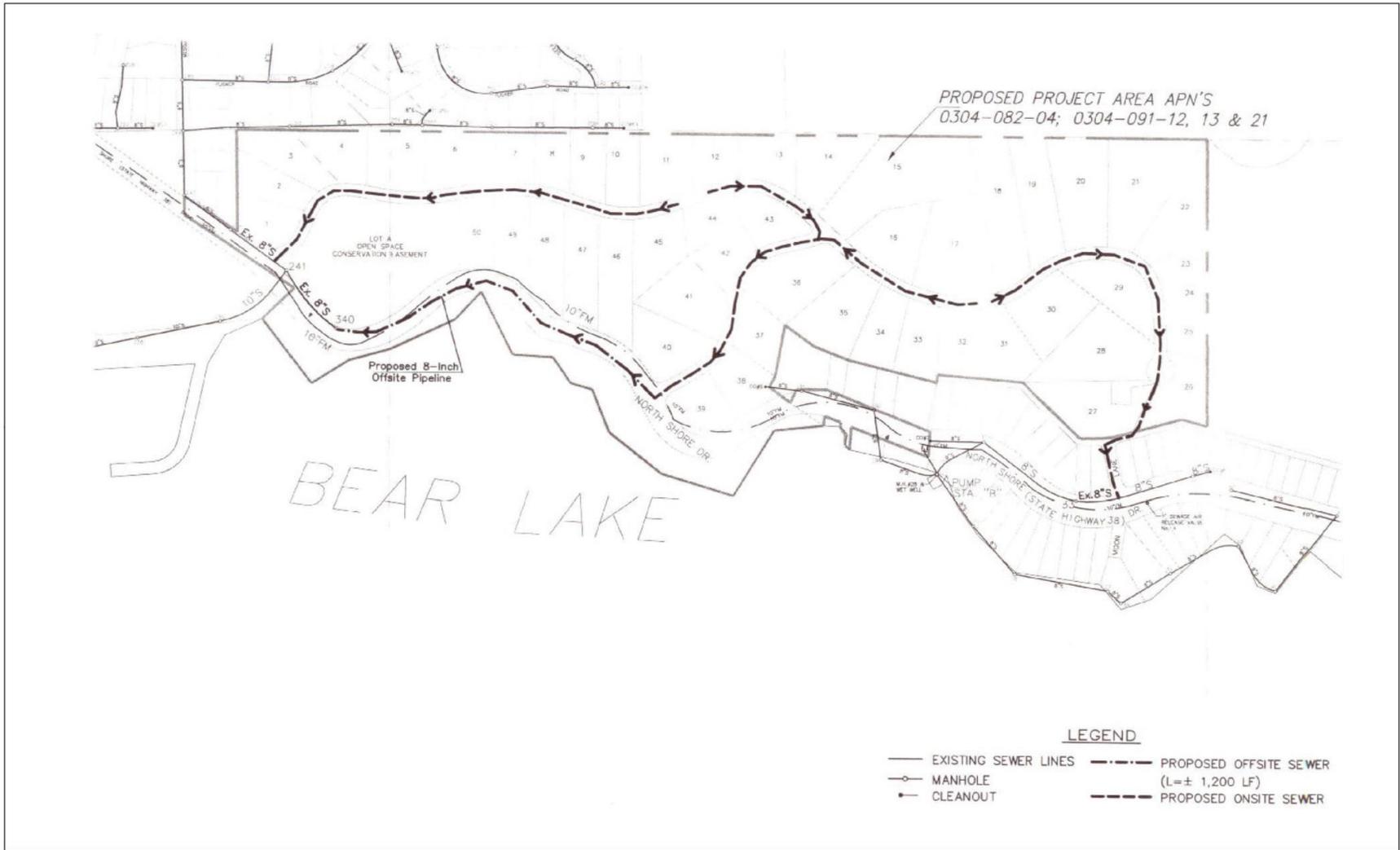
 00520089 • 11/2011 | 1-6_prop_water_facilities.mxd

Not to Scale

Proposed Water Facilities

SAN BERNARDINO COUNTY
MOON CAMP RESIDENTIAL SUBDIVISION PROJECT

FIGURE 1-7



CHAPTER 4 – ENVIRONMENTAL IMPACT EVALUATION

All Chapter 4 figures are located at the end of each subchapter; not immediately following their reference in text.

4.1 BACKGROUND

In April of 2010, the County of San Bernardino (County) published the Draft Revised and Recirculated DEIR (RRDEIR) No. 1 for the Moon Camp Project (Project), which assessed the potential environmental impact of adopting a General Plan Amendment (GPA) from Bear Valley Community Plan Rural Living 40 acres (BV/RL-40) to Bear Valley Community Plan Single Residential 20,000 square feet (SF)(BV/RS-20,000), adopting a Tentative Tract Map (TTM) No. 16136 with a total of 50 residential lots, 8 lettered lots, and a marina (boat dock) with 55 boat slips within a 62.43 acre site in the unincorporated community of Fawnskin within the County of San Bernardino. A second RRDEIR was published in December of 2011 by the County, which focused on impacts to Special Status plant species. The TTM No. 16136 that was presented as part of the December of 2011 RRDEIR No. 2 is provided as **Figure 1-1**, and aerial photos depicting the Project site at the regional and site-specific levels are provided as **Figures 1-2, and 1-3**, respectively. The Moon Camp Final Environmental Impact Report (FEIR) was finalized in July of 2020, and was certified by the San Bernardino County Board of Supervisors on July 28, 2020, with the Notice of Determination (NOD) filed with the County Clerk of the Board on July 29, 2020. The July 2020 Moon Camp FEIR is provided as Appendix 1 to this Partially Recirculated DEIR (PRDEIR) No. 3.

An NOD was filed with the County Clerk on July 29, 2020, and with the State Clearinghouse on August 4, 2020. Shortly thereafter on August 28, 2020, the Friends of Big Bear Valley, San Bernardino Valley Audubon Society, Inc., and Center for Biological Diversity (collectively, the petitioners), filed a lawsuit against the County alleging, among other things, that the County failed to comply with CEQA in approving the Project. The matter came before the San Bernardino County Superior Court at a hearing on January 20, 2022. After the hearing Superior Court judge David Cohn issued a ruling that found the County failed to comply with CEQA in 2 narrow instances:

1. There was no substantial evidence supporting the determination that impacts to the Ashy-Gray Indian Paintbrush were reduced to less than significant levels with the implementation of identified mitigation measures. Specifically, the Court found that there was no substantial evidence in the record supporting the County's finding that the preservation of the 10-acre Dixie Lee Lane parcel mitigated Project impacts to the Ashy-Gray Indian Paintbrush or pebble plain habitat.
2. The County's finding that the Project would have a less than significant impact on Wildfire Safety Hazards and Emergency Evacuation. Specifically, the Court concluded that the record failed to include substantial evidence supporting the finding that the identified evacuation routes are adequate to safely and efficiently evacuate the residents and the guest of the Project in the event of a wildfire.

In response to the Court's writ of mandate, the County has chosen to take specific action necessary to bring its consideration of the Project into compliance with CEQA. The County has determined that revising the relevant sections of the July 2020 FEIR to address the inadequacies identified by the Court is the appropriate process for complying with the Court's ruling and writ of mandate. Thus, this PRDEIR No. 3 has been prepared pursuant to Section 15234 of the CEQA Guidelines, which only requires additional environmental review of portions of the July 2020 FEIR found by the Court not to comply with CEQA, consistent with principles of res judicata.

The purpose of this PRDEIR 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. The Land Use and Planning Subchapter of the EIR is being recirculated as part of this PRDEIR No. 3 to analyze the Project's consistency with the San Bernardino County Countywide Plan, adopted October 27, 2020. Pursuant to the procedures set forth in Section 15088.5(f)(2) of the CEQA Guidelines, reviewers are directed to limit their comments to the revised information contained in this PRDEIR No. 3.

4.1.1 Project Description

The Project consists of the subdivision of the site into 58 lots within the 62.43-acre site—50 numbered lots (single family residential lots) to be sold individually and developed into custom homes, and 8 lettered lots described as follows:

- 3 designated as Open Space/Conservation easements and Neighborhood Lake Access;
- 3 designated as well sites;
- 1 designated as a potential reservoir site; and
- 1 would be developed as the marina parking lot, the majority of which has been reserved as a conservation easement for bald eagle and rare plant habitat conservation.

The Project proposes 6.2 acres of Open Space, Conservation, and Neighborhood Lake Access within the Project site. Within this 6.2 acres, 4.84 acres of the Project preserves occupied ashy-gray Indian paintbrush that will be preserved in perpetuity as part of Project implementation. Additionally, the parts of Lots C (marina parking) and D (well site) have been included as part of the Project conservation easement due to the number of trees along the lake shore line that are suitable for Bald Eagle perching and foraging for fish and waterfowl over Big Bear Lake. Thus, the development of the Moon Camp Project would establish conservation easements on-site totaling between the 6.2 and 9.2-acres covering all of Lots A, B and H, and parts of Lots C and D.

The Project also includes a 55-boat slip marina. The marina parking lot also includes some open space for the preservation of existing trees. However, because of the development of the parking lot, the lot is not considered part of the Project's total provided Open Space.

One change from the Project approved in July of 2020 is that the 10 acre off site parcel known as the Dixie Lee Lane parcel that was to be conserved as required by FEIR Mitigation Measure MM BR-1a, is now included as a project-related community benefit. As part of the Project, the applicant intends to permanently preserve the Dixie Lee Lane parcel by including it in a conservation easement and managed pursuant to the terms of the Project's Long Term Management Plan as required by Project conditions of approval. Though the Dixie Lee Lane parcel is no longer considered mitigation in the PDEIR, the parcel will be preserved in perpetuity in a similar fashion as required by the previous mitigation measure.

4.1.2 Environmental Impact Evaluation Introduction

The County has prepared the Moon Camp PRDEIR No. 3 that evaluates the potential environmental impacts that would result from constructing and implementing the proposed Project.

This chapter of the PRDEIR No. 3 provides the detailed information used to forecast the type and significance of potential environmental impacts that implementation of the proposed Project and

related actions could cause if the Project is implemented as described in Chapter 3, the Project Description.

In the following subchapters, as discussed in Chapter 2 of this document, each of the 20 topics identified in Appendix G of the CEQA Guidelines will be analyzed as follows: biological resources (ashy gray Indian paintbrush and pebble plain habitat analysis), hazards and hazardous materials (evacuation analysis), and land use and planning (land use consistency analysis). The environmental impact analysis section for each environmental topic is arranged in the following manner:

- a. An introduction that summarizes the specific issues of concern for each subchapter;
- b. A summary of the current or existing environmental setting for each physical resource or human infrastructure system is presented as the baseline from which impacts will be forecast;
- c. Based on stated assumptions and identified criteria or thresholds of significance, the potential direct and indirect impacts of the proposed Project are forecast and the significance of impacts is assessed without applying any mitigation; recommended measures that can be implemented to substantially lessen potential environmental impacts are identified, and their effectiveness in reducing impacts to non-significant levels is described; and, potential cumulative environmental impacts are assessed under each environmental topic, where applicable; and,
- d. Significant and unavoidable environmental impacts and any significant impacts that may be caused by implementing mitigation measures are addressed.

To provide the reviewer with a criterion or set of criteria with which to evaluate the significance of potential environmental impacts, this document provides issue specific criteria, i.e., thresholds of significance, for each topic considered in this PRDEIR No. 3. These criteria are either standard thresholds, established by law or policy or Project-specific evaluation thresholds used specifically for this Project. After comparing the forecasted physical changes in the environment that may be caused by implementing the proposed Project with the issue specific significance threshold criterion or criteria, a conclusion is reached on whether the proposed Project has the potential to cause a significant environmental impact for the issue being evaluated.

Where appropriate and feasible, measures to reduce potential significant environmental impacts are identified and described in this section of the PRDEIR No. 3. Over the past several years, mitigation has evolved in scope and complexity. As environmental issues are addressed in a progressive and adaptive manner, previous measures developed to mitigate Project specific impacts are eventually integrated into local, regional, state and federal statutes, rules and regulations, such as the Uniform Building Code or Water Quality Management Plans. Mitigation measures that are incorporated into statutes or rules and regulations become mandatory requirements (not discretionary) and they no longer need to be identified as discretionary mitigation measures applicable to the Project, although they are often referenced to demonstrate that identified environmental impacts can and will be mitigated.

The text in the following subchapters summarizes all of the various measures anticipated to be incorporated into the Project to reduce potential significant environmental effects, either to the extent feasible or to a level of less than significant. After determining the degree of mitigation that can be achieved by the proposed measures and after identifying any potential adverse impacts that the mitigation measures may cause, a conclusion is provided regarding the remaining level of impact, such as less than significant and/or unavoidable significant adverse impact for each environmental topic, if any.

To the extent feasible, this document utilizes conservative (worst case) assumptions in making impact forecasts based on the assumption that, if impacts cannot be absolutely quantified, the impact forecasts should over-predict consequences rather than under-predict them. The many technical studies that were prepared for this document and the former versions of the Moon Camp Project are incorporated into this chapter by summarizing the technical information to ensure technical accuracy. The environmental baseline against which the proposed Project's potential environmental impacts are determined is the current, vacant condition of the property.

These technical studies themselves are compiled in a separate volume of the PRDEIR No. 3 (Volume 2) which will be distributed in electronic form and made available to all parties upon request. The information used and analyses performed to make impact forecasts are provided in depth in this document to allow reviewers to follow a chain of logic for each impact conclusion and to allow the reader to reach independent conclusions regarding the significance of the potential impacts described in the following subchapters.

4.2 BIOLOGICAL RESOURCES

4.2.1 Introduction

This subchapter evaluates the environmental impacts to a single biological resources issue from implementation of the proposed Moon Camp Project, as part of this PRDEIR No. 3. The County proposes to analyze the following environmental issues in this Subchapter of the PRDEIR No. 3: biological resources, specifically Project related impacts to the federally listed as threatened ashy-gray Indian paintbrush (*Castilleja cinerea*) henceforth called the “ashy-gray Indian paintbrush” or sensitive pebble plain habitat. The threshold analyzed in this Subchapter is derived from Appendix G of the CEQA Guidelines, in view of federal, state, and local laws and policies, which identifies the issues that examine whether the proposed Moon Camp Project would have a substantial adverse effect upon biological resources, specifically Project related impacts to the federally listed as threatened ashy-gray Indian paintbrush (*Castilleja cinerea*) or sensitive pebble plain habitat on the proposed Project site, as well as any indirect substantial effect upon any biological resources in the Big Bear Valley.

This issue will be discussed below as set in the following framework:

- 4.2.1 Introduction
- 4.2.2 Environmental Setting
- 4.2.3 Regulatory Setting
- 4.2.4 Thresholds of Significance
- 4.2.5 Potential Impacts
- 4.2.6 Impacts with No Change
- 4.2.7 Avoidance, Minimization and Mitigation Measures
- 4.2.8 Cumulative Impacts
- 4.2.9 Unavoidable Adverse Impacts and Summary of Impacts after Mitigation

The following references were used in the preparation of this Subchapter of the PRDEIR^{1,2}:

- 2023 Lake Data. BBMWD (2023).
<https://static1.squarespace.com/static/627164749214a633bc06f1fd/t/64591ba57cdd9606a1dd7cf/d/1683561381388/1985+-+2023+Weekly+Lake+Levels.pdf> (accessed May 10, 2023)
- 5-Year Review, *Castilleja cinerea* (ash-gray paintbrush). USFWS, (2021).
https://ecos.fws.gov/docs/tess/species_nonpublish/3393.pdf (accessed May 10, 2023)
- A Manual of California Vegetation, Second Edition. John Sawyer, Todd Keeler-Wolf, and Julie Evens, (2009).
- Floristics of pavement plains of the San Bernardino Mountains. Derby, J. A. and R. C. Wilson. 1978. (Aliso 9:374-378).
- Moon Camp – Tentative Tract 16136 Draft Biological Technical Report, Ann Johnston and Samuel Stewart at BonTerra Consulting (2003); (refer to 2006 FEIR provided as Appendix 2)
- Moon Camp Property, Fawnskin Area: Vegetation and Special Status Plants, Scott White Biological Consulting (2007); (Appendix 9; referenced in RRDEIR No. 1)

¹ Refer to the listed reference documents for a comprehensive list of references utilized to prepare those reports and used in support of the sections that have been extracted and utilized in support of this Subchapter.

² The above referenced documents, in particular the Biological Resources Assessments and the past EIRS (RRDEIR No. 1 and RRDEIR No. 2, and the 2020 FEIR) provided as Appendices to this PRDEIR No. 3 each make conclusions and mitigation recommendations. These conclusions and mitigation recommendations may differ slightly from that which is ultimately provided herein. This is because the follow-on documents leading up to this PRDEIR No. 3 each lead to the fine-tuned mitigation measures contained herein, to result in a fully substantiated biological resources analysis with all feasible mitigation measures necessary to reduce biological resources impacts to the greatest extent feasible.

- Site Assessment and Review of Previously Prepared Biological Documentation of the Proposed Moon Camp Tentative Tract (TT) 16136 Project Site near Fawnskin, San Bernardino County, California, Michael Brandman Associates (January and February 2007); (refer to RRDEIR No. 1 provided as Appendix 3)
- Moon Camp Tentative Tract 16136 Supplemental Focused Rare Plant Survey, Timothy Krantz Environmental Consulting (2008); (Appendix 6, referenced in RRDEIR No. 1)
- Revised Moon Camp Property, Fawnskin Area: Vegetation and Special Status Plants, Scott White Biological Consulting (2009); (refer to RRDEIR No. 1 provided as Appendix 3)
- Moon Camp Tentative Tract 16136 Focused Special Status Plant Species Survey, Timothy Krantz Environmental Consulting (2010); (Appendix 5, referenced in the 2020 FEIR)
- Memorandum: Survey of Ashy-Gray Indian Paintbrush, Moon Camp Tentative Track 16136, prepared by Timothy Krantz, Environmental Consulting (2016) (Appendix 7, referenced in the 2020 FEIR)
- Review of Proposed Mitigation Measures and Recommended Additional Conservation Measures to Offset Impacts to Ashy-Gray Paintbrush for the Moon Camp Residential Subdivision Project San Bernardino County, California, prepared by Daniel Smith, Jacobs Engineering Group, Inc. (2023); (Appendix 9)
- San Bernardino Countywide Plan. San Bernardino County (2020). <https://countywideplan.com/> (accessed 01/23/23)
- San Bernardino Countywide Plan Environmental Impact Report. San Bernardino County (2019). <https://countywideplan.com/resources/document-download/> (accessed 12/27/23)
- Technical Review of the Biological Database for the Moon Camp Project Site, prepared by Tom McGill, ELMT Consulting (2018); (Appendix 8, referenced in the 2020 FEIR)
- Update/Confirmation of Jurisdictional Delineation for the Moon Camp Project Site, San Bernardino County, California, prepared by Kevin Derby, FirstCarbon Solutions (2018); (Appendix 10)

No comments pertaining to biological resources were received in response to the March 31, 2007 Scoping Meeting held on behalf of the project.

4.2.2 Environmental Setting

4.2.2.1 Existing Conditions

No change in the existing conditions has occurred since the 2020 FEIR was certified. The Moon Camp Project site (Tentative Tract No. 16136) is located approximately midway along the north shore of Big Bear Lake, at the eastern edge of the community of Fawnskin. The 62.43-acre site slopes upward from the lakeshore and State Route 38 (SR-38) (Lakeshore Drive) from a lake surface elevation of approximately 6,747 feet above mean sea level (msl) to approximately 6,960 feet msl at the northeast boundary. Slopes vary from 5 to 40 percent and continue upward beyond the property to a ridgeline exceeding 7,800 feet msl on the north. The on-site variation in elevation is approximately 213 feet.

4.2.2.2 Plant Communities

Plant communities in California have generally been classified by biologists either according to Holland's Preliminary Descriptions of the Terrestrial Natural Communities of California (1986) or Sawyer and Keeler-Wolf's A Manual of California Vegetation (1995). Holland's descriptions were developed as part of CDFW's California Natural Diversity Database (CNDDDB), and Sawyer and Keeler-Wolf's manual was developed through the California Native Plant Society (CNPS). The CDFW now has a list of terrestrial natural communities which supersedes all other lists developed by the CNDDDB. It is based on Sawyer and Keeler-Wolf's manual, but it is also structured to be compatible with previous CNDDDB lists such as Holland. Wherever applicable the plant

communities are classified according to CDFW’s list of terrestrial natural communities (2003) and cross-referenced to Holland’s element code. Disturbed and developed areas are described according to industry standard descriptions. The current CNPS Manual of California Vegetation (Sawyer et al. 2009) does not provide descriptions of disturbed or developed lands. Therefore, the descriptions provided in the table below are according to Holland. Four vegetation types occur within the Project site. **Figure 4.2-1**, the Plant Communities Map, illustrates their distribution and **Table 4.2-1** summarizes the extent of vegetation types present within the Project site. Each of the vegetation types observed during field surveys are described below.

**Table 4.2-1
 EXISTING VEGETATION TYPES ON THE PROJECT SITE**

Vegetation Type	Acreage
Jeffrey Pine Forest	54.92
Pebble plain like soil conditions	0.69
Lake Shoreline/ Ruderal	4.0
Developed (SR-38)	2.82
Total	62.43

Notes:

*The Supplemental Focused Special Status Plant Species Survey (August 29, 2010) concludes that the pebble plain like soil conditions determined to be located within Lot A (as identified within the Supplemental Focused Special Status Plant Species Survey, 2008), is not true pebble plain due to the lack of the two indicator species (*Arenaria ursina* and *Eriogonum kennedyi austromontanum*).

Consideration of Pebble Plain

Drought related conditions, occurring during the early 2000s resulted in certain sensitive plant species being more difficult to locate and identify due to dormancy factors attributable to drought. Therefore, the surveys that were conducted during 2000-2007 attempted a more focused approach in order to identify all suspected areas probable for containing threatened pebble plain species. Understanding the impact of drought for certain species, including the Federally Threatened ashy-gray Indian paintbrush, these surveys considered certain areas to be occupied despite the fact that no identifiable species were found during the surveys. The surveys assumed presence of certain species, including pebble plain species, would occur during years of normal rainfall. This practice resulted in an over-calculation of species present on the Project site, which is apparent in the 2008 Supplemental Focused Rare Plant Survey and 2010 Focused Special Status Plant Species Survey, which were prepared by Dr. Krantz of Timothy Krantz Environmental Consulting. The Supplemental Focused Special Status Plant Species Survey (2008, Appendix 6, referenced in RRDEIR No. 1; 2010, Appendix 5, referenced in the 2020 FEIR) was conducted in years with normal or above average rainfall, identified an accurate distribution of ashy-gray Indian paintbrush species within the Project site, and this conclusion supersedes the assumptions made as a result of surveys conducted during drought years during 2000-2007.

The Supplemental Focused Special Status Plant Species Survey, dated June 29, 2008, and provided as Appendix 6 to this PRDEIR, concluded that Pebble plain soil like conditions occurred on approximately 0.69 acres of the Project site, north of State Route 38 (SR-38). See **Figure 4.2-2** in the RRDEIR No. 2 for the location of pebble plain soil conditions. The report stated that it appeared as a distinct open patch within open Jeffrey pine forest community 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. If so, this substrate would support a high floristic diversity consisting of small cushion-forming

plants, tiny annuals, grasses, and succulents that are well spaced, low growing, and sun tolerant. Several rare and special status plants are associated with pebble plain habitat. The Moon Camp Project was designed to include the 0.69-acre pebble plain occurrence within Lot "A", which has been designated as open space to be protected in perpetuity through a formal conservation easement. A Focused Special Status Plant Species Survey dated August 29, 2010 and provided as Appendix 5 to this PRDEIR was conducted to respond to concerns raised by commenters received on the Revised and Recirculated Draft EIR No. 1. The 2010 Focused Special Status Plant Species Survey findings augmented the 2008 Supplemental Focused Rare Plant Survey, providing an additional above-average precipitation year for observation. The 2010 Focused Special Status Plant Species Survey concluded that the pebble plain-like soil conditions located within Lot A (as identified within the 2008 Supplemental Focused Rare Plant Survey; Appendix 6) is not true pebble plain due to the lack of the two key indicator species (*Arenaria ursina* and *Eriogonum kennedyi austromontanum*). Therefore, based on the findings of the 2010 Focused Special Status Plant Species Survey, no pebble plain habitat exists on the proposed Project site.

In order to respond to the Court's writ of mandate, a Memo titled Review of Proposed Mitigation Measures and Recommend Additional Conservation Measures to Offset Impacts to Ashy-Gray Paintbrush for the Moon Camp Residential Subdivision Project San Bernardino County, California, (2023 Memo) has been prepared by Daniel Smith, Jacobs Engineering Group, Inc. in support of this PRDEIR No. 3. The 2023 Memo is provided as Appendix 9 to this PRDEIR No. 3. This 2023 Memo included a review of all of the materials pertaining to pebble plain habitat and ashy-gray Indian paintbrush to ensure consistency of the findings made in the previous reports, in the 2020 FEIR, and provide any additional recommendations or clarifications to supplement the data that has been generated related to pebble plain habitat and ashy-gray Indian paintbrush for the Moon Camp Project. The 2023 Memo concluded that, in an independent review of the findings made by past surveys in relation to pebble plain habitat, Dr. Krantz accurately concluded that the Project site did not contain any pebble plain habitat due to the lack of the two key pebble plain indicator species (southern mountain buckwheat and Big Bear Valley sandwort).

Ashy-gray Indian paintbrush (*Castilleja cinerea*)

Ashy-gray Indian paintbrush (*Castilleja cinerea*) is a federally-listed Threatened and CNPS List 1B species (a ranking for plants that are rare, threatened, or endangered in California and elsewhere). It is a root parasite on other plants, often parasitizing the Federally-listed Threatened southern mountain buckwheat and Wright's matting buckwheat. It is a perennial herb, and typically blooms between May and August. It occurs in pebble plains, meadows, seeps, and open pinyon or Jeffrey pine forest habitats from approximately 5,900 to 9,300 feet above mean sea level (amsl) and is endemic to the eastern San Bernardino Mountains (Big Bear Valley, Holcomb Valley, Onyx Summit, Snow Valley, and Sugarloaf Ridge).

As part of the effort to substantiate impacts to biological resources in RRDEIR No. 1, Scott White of Scott White Biological Consulting prepared a Draft Vegetation and Special Status Plants Survey which was dated August 2007 (refer to RRDEIR No. 1 provided as Appendix 3). The 2007 Draft Vegetation and Special Status Plants Survey determined that ashy-gray Indian paintbrush occurred within several portions of the Moon Camp Project site. However, as discussed in the 2008 Supplemental Focused Rare Plant Survey the Moon Camp Project site, the previous findings of 2007 Draft Vegetation and Special Status Plants Survey were later reviewed by Dr. Krantz in his 2008 Supplemental Focused Rare Plant Survey, and were found to be erroneous with respect to identifying two occurrences of ashy-gray Indian paintbrush habitat located in the southeast portion of the Project site.

As such, all areas identified by White as containing ashy-gray Indian paintbrush were re-visited during the 2010 Focused Special Status Plant Species Survey carried out by Dr. Kranz, which was conducted during a year of normal rainfall. The primary focus of the 2010 Focused Special Status Plant Species Survey was to further delineate and quantify occurrences of ashy-gray Indian paintbrush on the Project site. The 2010 Focused Special Status Plant Species Survey confirmed that no occurrences of ashy-gray Indian paintbrush existed at the two southeasterly sites formerly identified as part of the 2007 Draft Vegetation and Special Status Plants Survey that was conducted by Scott White. The 2010 Focused Special Status Plant Species Survey further confirmed the middle occurrence, which was delineated in the 2008 Supplemental Focused Rare Plant Survey conducted by Dr. Kranz. The general distribution of the westerly ashy-gray Indian paintbrush occurrence was approximately the same as in the 2007 Draft Vegetation and Special Status Plants Survey, 2008 Supplemental Focused Rare Plant Survey, and 2010 Focused Special Status Plant Species Survey, as well as the later survey conducted by Dr. Kranz, documented in the Survey of Ashy-gray Indian Paintbrush Moon Camp Tentative Tract 16136 dated July 27, 2016, and provided as Appendix 7 to this PRDEIR.

The findings and conclusions of the 2008 Supplemental Focused Rare Plant Survey (Appendix 6), and 2010 Focused Special Status Plant Species Survey (Appendix 5), and confirmed by the 2016 Survey of Ashy-gray Indian Paintbrush (Appendix 7), with respect to the ashy-gray Indian paintbrush at the Project site are described below. Altogether, the 2010 Focused Special Status Plant Species Survey concluded there were 7.71 acres of ashy-gray Indian paintbrush habitat located within the boundaries of the Project site, 4.84 acres of which are located within the Lot A and Lot H Conservation Areas.

The Survey of Ashy-Gray Indian Paintbrush (Appendix 7) confirmed the distributions and abundance of the ashy-gray Indian paintbrush have not changed significantly since 2010 Focused Special Status Plant Species Survey (Appendix 5). In addition, both the ashy-gray Indian paintbrush and its host plant, Wright's matting buckwheat, are relatively long-lived perennials, on the order of 10-20 years or more, and are, thus, not disposed to much annual variation in overall distribution. The distribution of ashy-gray Indian paintbrush within the Project site is depicted on **Figure 4.2-2**.

Discrete Occurrences of Ashy-Gray Indian Paintbrush

Occurrences of ashy-gray Indian paintbrush identified by Krantz's 2008 Supplemental Focused Rare Plant Survey were confirmed as part of the 2010 Focused Special Status Plant Species Survey, including approximately 50 plants, which were identified at the rear of proposed Lots 47-48; nine plants at the rear of Lot 49; and three plants on the west bank of the swale at the rear of Lot 50. A large tree-fall was observed above the swale, which may alter the exposure and drainage pattern immediately around the swale, but the three ashy-gray Indian paintbrush plants were still observed at this location as part of the 2010 Focused Special Status Plant Species Survey and 2016 Survey of Ashy-gray Indian Paintbrush conducted by Dr. Kranz.

Open Space Lot A

Dr. Krantz conducted a discrete count of the ashy-gray Indian paintbrush occurrences on Lot A by systematically walking the surrounding area of the knoll at this location. Altogether, a total of approximately 230 individual ashy-gray Indian paintbrush occurrences were identified within the boundaries of Lot A, a 3.40-acre open space area.

Open Space Lot H

Lot H Open Space Conservation Easement was created to protect the high densities of ashy-gray Indian paintbrush occurring in this area. Lot H is approximately 1.98 acres in area. The highest concentration of these plants extends in a broad opening in the Jeffrey pine woodland, in association with Wright's matting buckwheat. A total of approximately 4,665 ashy-gray Indian paintbrush occurrences were estimated to occur in this area based on a combination of discrete counts and a belt transect through the middle of the highest density area. Altogether, a total of 5,567 ashy-gray Indian paintbrush plants were estimated to occur on the Moon Camp property. Permanent protection of Lot H results in preservation of 84 percent (4,665 plants of 5,567 plants) of the total ashy-gray Indian paintbrush plants on-site.

Combined, Lot A and Lot H comprise a total of 4.84 acres of occupied ashy-gray Indian paintbrush habitat that will be permanently preserved. Note that Lot A and Lot H total 5.38 acres, which are dedicated to conservation as shown on **Figure 1-4**, however, the ashy-gray Indian paintbrush habitat therein totals 4.84 acres.

Lots 1-5, Road Easement and Well Lot F

Discrete counts of ashy-gray Indian paintbrush plants were 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-meter radius of the southeast corner of the Project site. These plants are within the rear-lot and side-lot building setbacks, established for the proposed Moon Camp Project. Therefore, although not protected by a conservation easement, these plants may not be disturbed by physical development of the lot.

A total of approximately 150 ashy-gray Indian paintbrush plant occurrences were observed on the new Lot 2. The plants are scattered across the Lot.

The new Lot 3 contains approximately 175 ashy-gray Indian paintbrush plants. Lot 4 contains approximately 70 ashy-gray Indian paintbrush plants to the front-center of the Lot, and another 20 plants are located to rear of the Lot (not in the buildable area of the Lot), for a total of approximately 90 plants. 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. Additionally, Well Site Lot F and the associated access road contain approximately 80 plants.

The total estimated numbers of ashy-gray Indian paintbrush plants located within the proposed Project site are outlined within **Table 4.2-2**, below. In addition, the location of occupied ashy-gray Indian paintbrush plants is located within **Figure 4.2-2**.

**Table 4.2-2
SUMMARY OF ASHY-GRAY INDIAN PAINTBRUSH OCCURRENCE ON THE MOON CAMP SITE**

Lot Designation	Habitat within Lot Area (acres)	Number of Plants	Impacts		Conservation	
			Acres	Individual Plants	Acres	Individual Plants
Lot H/A	4.84	4,895	-	-	4.84	4,895
Roadway	0.5	40	0.5	40		
Lot F	0.14	80	0.14	80		
Lots 1-5	2.00	490	2.00	490		
Lot 47/48	0.11	50	0.11	50		
Lot 49	0.01	9	0.01	9		
Lot 50	0.11	3	0.11	3		
Total	7.71	5,567	2.87	672	4.84	21

Source: ELMT Consulting, 2018. Technical Review of the Biological Database for the Moon Camp Project Site. May 23, 2018. Appendix 6, referenced in the 2020 FEIR

Redesign of the lot layout, as reflected in the **Figures 1-1, 1-4, and 1-5**, results in a significant increase in ashy-gray Indian paintbrush conservation. On an acreage basis, the Project will impact approximately 2.87 acres of the 7.71 acres of habitat. Creation of Lot A and Lot H preserves 4.84 acres of habitat, resulting in an on-site mitigation ratio of 1.68:1.³ Of the 5,567 ashy-gray Indian paintbrush plants determined to occur on site through the updated plant surveys, 4,895 plants will be permanently protected within Lot A and H, representing 88 percent of the total number of ashy-gray Indian paintbrush plants within the proposed Project site, and an on-site conservation to impacted plant ratio of 7:1.⁴ Of the remaining ashy-gray Indian paintbrush plants on 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 that are anticipated to be capable of being preserved within the Project site. Specific impacts and mitigation for this species are discussed under **Subsection 4.2.6, Potential Impacts**, below.

4.2.2.3 Biological Communities for which there has been No Change since the Certification of the 2020 FEIR

In response to the Court’s writ of mandate, the County has chosen to take specific action necessary to bring its consideration of the Project into compliance with CEQA. The County has determined that revising the relevant sections of the July 2020 FEIR to address the inadequacies identified by the Court is the appropriate process for complying with the Court’s ruling and writ of mandate. As a result, the following biological communities (vegetation communities, plant species, wildlife species, critical habitat, wildlife movement, etc.) require no update from that which was certified as part of the July 2020 FEIR:

³ The 1.68:1 acreage ratio was calculated as acreage retaining plants in comparison to acreage containing plants impacted by the Project. The actual ratio would be 4.84:2.87, which can be simplified, if divided by 2.87 to equal 1.68:1. Thus, the ratio is 1.68:1.

⁴ The 7:1 occurrence ratio was calculated as plants retained in comparison to plants impacted by the Project. The actual ratio would be 4,895:672, which can be simplified, if divided by 700 to equal 6.99:0.96. Thus, the ratio has been rounded to 7:1.

- Lakeshore Species
- Developed
- Amphibians
- Reptiles
- Birds
- Mammals
- Special Status Biological Resources
- Special Status Plants
- Parish Rock Cress.
- Big Bear Valley Woollypod (*Astragalus leucolobus*).
- Palmer's Mariposa Lily (*Calochortus palmeri* var. *palmeri*).
- San Bernardino Mountains Dudleya (*Dudleya abramsii* ssp. *affinis*).
- Leafy Buckwheat (*Eriogonum foliosum*).
- Jepson's Bedstraw (*Galium jepsonii*).
- Johnston's Bedstraw (*Galium johnstonii*).
- Silver-Haired Ivesia (*Ivesia argyrocoma*).
- Duran's Rush (*Juncus duranii*).
- Short-Sepaled Lewisia (*Lewisia brachycalyx*).
- Baldwin Lake Linanthus (*Linanthus killipii*).
- San Bernardino Mountain Monkeyflower (*Mimulus exiguus*).
- Purple Monkeyflower (*Mimulus purpureus* var. *purpureus*).
- Chickweed Oxytheca (*Oxytheca caryophylloides*).
- Parish's Yampah (*Perideridia parishii* ssp. *parishii*).
- Transverse Range Phacelia (*Phacelia exilis*).
- Mojave Phacelia (*Phacelia mohavensis*).
- Bear Valley Phlox (*Phlox dolichantha*).
- San Bernardino Bluegrass (*Poa atropurpurea*).
- Bear Valley Pyrrocoma (*Pyrrocoma uniflora* ssp. *gossypina*).
- Parish's Rupertia (*Rupertia rigida*).
- Prairie Wedge Grass (*Sphenopholis obtusata*).
- Laguna Mountains Jewelflower (*Streptanthus bernardinus*).
- Southern Jewelflower (*Streptanthus campestris*).
- Pine Green-Gentian (*Swertia neglecta*).
- Small-Flowered Bluecurls (*Trichostema micranthum*).
- Special Status Wildlife
- Critical Habitat
- Wildlife Movement
- Migratory Bird Treaty Act

Please refer to the descriptions of the above Biological Communities on pages 2-2 through 2-35 of RDEIR No. 2, provided as Appendix 4 to this PRDEIR No. 3. Additionally, please refer to the 2020 FEIR Errata provided on pages 4-13 to 4-15, which amends the descriptions provided in RDEIR No. 2.

4.2.2.4 Jurisdictional Delineation

A Delineation of federal and State Jurisdictional Waters was prepared by RBF Consulting (RBF) in March of 2002 in conjunction with the 2004 DEIR (Appendix 2 to this PRDEIR) for several

unnamed drainages located within the Project site. Prior to visiting the site, RBF conducted a review of U.S. Geological Survey (USGS) topographic maps (Quadrangle Fawnskin, California, dated 1996) and aerial photographs to identify areas that may fall under an agency's jurisdiction. United States Army Corps of Engineers (USACE) jurisdictional wetlands are delineated using the methods outlined in the USACE Wetland Delineation Manual (1987) based on hydrologic and edaphic features of the site, and on the vegetation composition of the site. Non-wetland waters of the United States (WOUS) are delineated based on the limits of the ordinary high-water mark (OHWM) as determined by erosion, the deposition of vegetation or debris, and changes in the vegetation. Generally, CDFW takes jurisdiction to the bank of the stream/channels or to the limit of the adjacent riparian vegetation, whichever is greater. Analysis of the Project site consisted of field surveys and verification of current conditions conducted in March 2002 (refer to the 2004 DEIR).

Vegetation within the drainages of the Project site consisted of upland habitat, dominated by Jeffrey pines. Soils within the drainages were documented to be silty-sand (large grain). Soil samples taken on-site were generally dry and lacked characteristics of hydric soils (i.e., odor, streaking, mottling). No flow within the on-site drainages was observed during the March 15, 2002, field visit. However, evidence of an OHWM was observed within the drainages, which was primarily indicated by sediment deposits. It should also be noted that Big Bear Lake abuts the Project site to the south. Based on discussions with the Big Bear Municipal Water District (BBMWD), the current water level of Big Bear Lake at the time (as of May 27, 2009) was 6,738.1-feet amsl. The OHWM is reported to be 6,743.2 feet amsl. As of May 8, 2023, the current water level of Big Bear Lake is about 6,736.48 feet amsl.⁵

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

Based on the results of the field observations and data collection, RBF identified 0.15-acre of Corps jurisdictional WOUS within the Project site. The drainages are ephemeral. However, based on TTM No. 16136 provided as **Figure 1-1**, which depicts the most current development plans, it was determined that roadway improvements would only impact 0.04-acre of Corps jurisdiction.

A field visit conducted by FirstCarbon Solutions (FCS) on May 18, 2018, confirmed that the location and USACE jurisdictional area of these drainages remains unchanged and are consistent with the previous report. This field visit was documented in the 2020 FEIR, and is provided as Appendix 10 to this PRDEIR No. 3.

California Department of Fish and Game (1603) Jurisdiction

Based on the results of the field observations and data collection, RBF identified 0.15-acre of CDFW jurisdictional waters. However, based on TTM No. 16136 provided as **Figure 1-1**, which depicts the most current development plans, it was determined that roadway improvements would impact 0.04-acre of CDFG jurisdiction.

A field visit conducted by FCS on May 18, 2018, confirmed that the location and delineated CDFW jurisdictional area of these drainages remains unchanged and are consistent with the 2002 delineation map and report provided in Appendix 10 to this PRDEIR No. 3.

⁵ BBMWD, 2023. 2023 Lake Data.

<https://static1.squarespace.com/static/627164749214a633bc06f1fd/t/64591ba57cdd9606a1dd7cfd/1683561381388/1985+-+2023+Weekly+Lake+Levels.pdf> (accessed May 10, 2023)

4.2.3 Regulatory Setting

The proposed Moon Camp Project would be required to comply with the following federal and state regulations and laws:

1. NEPA and CEQA guidelines that apply to sensitive biological resources
2. U.S. Army Corps of Engineers (COE) Clean Water Act Section 404 Permit and
3. U.S. Environmental Protection Agency (EPA) 404 (b)1 Alternatives Analysis
4. Section 7 and/or 10 of U.S. Endangered Species Act of 1973, as amended
5. U.S. Migratory Bird Treaty Act
6. U.S. Bald Eagle Act
7. California Endangered Species Act
8. California Department of Fish and Game (CDFG) Streambed Alteration Agreement
9. (Section 1600 of the Fish and Game Code)
10. State of California Native Plant Protection Act
11. Plant Protection and Management Ordinances (County Code Title 8, Div. 11)

4.2.3.1 Federal

Federal Endangered Species Act

The federal Endangered Species Act (ESA) (1973) protects plants and wildlife that are listed by the United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) as endangered or threatened. Section 9 of the ESA prohibits the taking of endangered wildlife, where “taking” is defined as any effort to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct” (50 CFR 17.3). For plants, this statute governs removing, possessing, maliciously damaging, or destroying any endangered plant on federal land and removing, cutting, digging up, damaging, or destroying any endangered plant on non-federal land in knowing violation of state law (16 United States Code [USC] 1538). Under Section 7 of the ESA, federal agencies are required to consult with the USFWS if their actions, including permit approvals or funding, could adversely affect an endangered species (including plants) or its critical habitat. Through consultation and the issuance of a biological opinion, the USFWS may issue an incidental take statement allowing take of the species that is incidental to an otherwise authorized activity, provided the action will not jeopardize the continued existence of the species. The ESA specifies that the USFWS designate habitat for a species at the time of its listing in which are found the physical or biological features “essential to the conservation of the species,” or which may require “special Management consideration or protection...” (16 USC § 1533[a][3].2; 16 USC § 1532[a]). This designated Critical Habitat is then afforded the same protection under the ESA as individuals of the species itself, requiring issuance of an Incidental Take Permit prior to any activity that results in “the destruction or adverse modification of habitat determined to be critical” (16 USC § 1536[a][2]).

Interagency Consultation and Biological Assessments

Section 7 of the ESA provides a means for authorizing the “take” of threatened or endangered species by federal agencies, and applies to actions that are conducted, permitted, or funded by a federal agency. The statute requires federal agencies to consult with the USFWS or NMFS, as appropriate, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of critical habitat for these species. If a proposed project “may affect” a listed species or destroy or modify critical habitat, the lead agency is required to prepare a biological assessment evaluating the nature and severity of the potential effect.

Habitat Conservation Plans

Section 10 of the ESA requires the acquisition of an Incidental Take Permit (ITP) from the USFWS by non-federal landowners for activities that might incidentally harm (or “take”) endangered or threatened wildlife on their land. To obtain a permit, an applicant must develop a Habitat Conservation Plan (HCP) that is designed to offset any harmful impacts the proposed activity might have on the species. There are no HCPs applicable to the Moon Camp Project.

The Migratory Bird Treaty Act of 1918

The Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711) makes it unlawful to possess, buy, sell, purchase, barter or “take” any migratory bird listed in Title 50 of the Code of Federal Regulations CFR Part 10. “Take” is defined as possession or destruction of migratory birds, their nests or eggs. Disturbances that cause nest abandonment and/or loss of reproductive effort or the loss of habitats upon which these birds depend may be a violation of the MBTA.

Clean Water Act Section 404

Wetlands are generally considered to be areas that are periodically or permanently inundated by surface or ground water, and support vegetation adapted to life in saturated soil. Wetlands are recognized as important features on a regional and national level due to their high inherent value to fish and wildlife, use as storage areas for storm and floodwaters, and water recharge, filtration, and purification functions. Technical standards for delineating wetlands have been developed by the USACE which generally defines wetlands through consideration of three criteria: hydrology, soils, and vegetation. Under Section 404 of the Clean Water Act (CWA), the USACE is responsible for regulating the discharge of dredged or fill material into waters of the United States. The term “waters” includes wetlands and non-wetland bodies of water that meet specific criteria as defined in the CFR.

Currently the applicability of the Federal Clean Water Act (CWA) in accordance with the “2023 Waters Rule” and must be harmonized with the Supreme Court of the U.S. (SCOTUS) rulings on *United States v. Riverside Bayview (Bayview)*, *Solid Waste Agency of Northern Cook County v. Army Corps (SWANCC)*, *Rapanos v. United States (Rapanos)*, and *Sackett v. Environmental Protection Agency (Sackett)* rulings.

The following summarizes the changes that may occur as a result of this ruling. The 2023 Rule defines the following Waters of the U.S. (WOTUS). There are no changes from the Pre-2015 Waters Rule in the definitions of a(1), a(2), and a(4) Waters. However, there are nuance changes to a(3) Waters, and there substantial changes to identifying a(5) Waters. In general, the 2023 Rule does not consider “isolated” as described in SWANCC, nor does it consider a need to have ties to interstate commerce (Bayview). This rule relies entirely on the definitions below for Traditionally Navigable Waters, and their impoundment and tributaries, which are established by having a “Significant Nexus” by contributing to the biological, chemical, or physical characteristics of a Traditionally Navigable Water.

During the first two months of the 2023 Rule implementation, several court cases have enjoined the use of the rule and subsequently have reverted to the Pre-2015 Rule. Currently 27 States are using the Pre-2015 Rule. However, California has not been enjoined and continues to fall under the 2023 Rule. On May 26, 2023 the Supreme Court of the United States (SCOTUS) ruled on *Sackett v. EPA (Sackett)*. In this ruling they found the CWA’s use of “waters” encompasses “only those relatively permanent, standing or continuously flowing bodies of water ‘forming geographic[a] features’ that are described in ordinary parlance as ‘streams, oceans, rivers, and

lakes.” 547 U.S., at 739 (quoting Webster’s New International Dictionary 2882 (2d ed. 1954) (Webster’s Second); original alterations omitted).

The Court appears to have struck down the use of the Significant Nexus Analysis, use of “Similarly Situated Waters” being combined to have a biological, chemical, or biological nexus to a Traditionally Navigable Water. Further, the Court has determined that WOTUS extent only to tributaries of Traditionally Navigable Waters that have Relatively Permanent Flows, such that they flow or are inundated unless there is unusually prolonged drought, or the ebb of a tide.

The USACE and U.S. Environmental Protection Agency (USEPA) will continue to implement the WOTUS Rule under these revised definitions, which may affect the applicability of USACE issued permits for elements of this and other Projects. The USEPA and the USACE will determine CWA jurisdiction over a project site and complete the “significant nexus test” as detailed in the guidelines and the USACE-approved Jurisdictional Determination Form.

Rivers and Harbors Act 1899

Section 10 of the Rivers and Harbors Act of 1899 requires authorization from the USACE for the construction of any structure in or over any navigable waters of the U.S.

Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act (16 U.S.C. Sections 661 to 667e et seq.) applies to any federal project where any body of water is impounded, diverted, deepened, or otherwise modified. Project proponents are required to consult with the USFWS and the appropriate state wildlife agency.

Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. Section 1801 et seq.) requires all federal agencies to consult with the NMFS on all actions or proposed actions (permitted, funded, or undertaken by the agency) that may adversely affect fish habitats. It also requires cooperation among NMFS, the councils, fishing participants, and federal and state agencies to protect, conserve, and enhance essential fish habitat, which is defined as those waters and substrates needed by fish for spawning, breeding, feeding, and growth to maturity.

Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (The Eagle Act) (1940), amended in 1962, was originally implemented for the protection of bald eagles (*Haliaeetus leucocephalus*). In 1962, Congress amended the Eagle Act to cover golden eagles (*Aquila chrysaetos*), a move that was partially an attempt to strengthen protection of bald eagles, since the latter were often killed by people mistaking them for golden eagles. This act makes it illegal to import, export, take (molest or disturb), sell, purchase, or barter any bald eagle or golden eagle or part thereof. The golden eagle, however, is accorded somewhat lighter protection under the Eagle Act than that of the bald eagle.

Noxious Weed Act of 1974

This act (7 USC § 2814), as amended, provides for the control and management of nonindigenous weeds that injure or have the potential to injure the interests of agriculture and commerce, wildlife resources, or the public health. The Secretary of Agriculture has authority to designate plants as noxious weeds; to inspect, seize, and destroy products; and to quarantine areas if necessary to prevent the spread of such weeds.

Lacey Act

This act (16 USC 3371 et. seq.) protects plants and wildlife by creating civil and criminal penalties for a wide variety of violations, including illegal take, possession, transport, or sale of protected species.

Wild and Scenic Rivers Act

This act (16 USC § 1271 et seq.) established a national system of rivers to be preserved in free-flowing condition, and their immediate environments protected. The three classifications of rivers in the system are wild, scenic, or recreational, depending on the nearby level of development.

Executive Orders (EO)

Invasive Species—Executive Order 13112 (1999)

Issued on February 3, 1999, promotes the prevention and introduction of invasive species and provides for their control and minimizes the economic, ecological, and human health impacts that invasive species cause through the creation of the Invasive Species Council and Invasive Species Management Plan.

Protection of Wetlands—Executive Order 11990 (1977)

Issued on May 24, 1977, helps avoid the long-term and short-term adverse impacts associated with destroying or modifying wetlands and avoiding direct or indirect support of new construction in wetlands when there is a practicable alternative.

Migratory Bird—EO 13186 (2001)

Issued on January 10, 2001, promotes the conservation of migratory birds and their habitats and directs federal agencies to implement the Migratory Bird Treaty Act. Protection and Enhancement of Environmental Quality—EO 11514 (1970a), issued on March 5, 1970, supports the purpose and policies of the National Environmental Policy Act (NEPA) and directs federal agencies to take measures to meet national environmental goals.

Migratory Bird Treaty Reform Act

The Migratory Bird Treaty Reform Act (Division E, Title I, Section 143 of the Consolidated Appropriations Act, 2005, PL 108-447) amends the Migratory Bird Treaty Act (16 U.S.C. Sections 703 to 712) such that nonnative birds or birds that have been introduced by humans to the United States or its territories are excluded from protection under the Act. It defines a native migratory bird as a species present in the United States and its territories as a result of natural biological or ecological processes. This list excluded two additional species commonly observed in the United States, the rock pigeon (*Columba livia*) and domestic goose (*Anser domesticus*).

4.2.3.2 State

California Endangered Species Act

The California Endangered Species Act (CESA) (Sections 2050 to 2085) establishes the policy of the state to conserve, protect, restore, and enhance threatened or endangered species and their habitats by protecting “all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation.” Animal species are listed by the CDFW as threatened or endangered, and plants are listed as

rare, threatened, or endangered. However, only those plant species listed as threatened or endangered receive protection under the California ESA.

CESA mandates that state agencies do not approve a project that would jeopardize the continued existence of these species if reasonable and prudent alternatives are available that would avoid a jeopardy finding. There are no state agency consultation procedures under the California ESA. For projects that would affect a species that is federally and state listed, compliance with ESA satisfies the California ESA if the CDFW determines that the federal incidental take authorization is consistent with the California ESA under Section 2080.1. For projects that would result in take of a species that is state listed only, the project sponsor must apply for a take permit, in accordance with Section 2081(b).

Clean Water Act Section 401/Porter-Cologne Act

The State of California regulates water quality related to discharge of dredge or fill material into waters of the State pursuant to Section 401 of the CWA. Section 401 compliance is a federal mandate regulated by the State. The local Regional Water Quality Control Boards (RWQCB) have jurisdiction over all those areas defined as jurisdictional under Section 404 of the CWA. In addition, the RWQCBs regulate water quality for all waters of the State, which may also include isolated wetlands, as defined by the California Porter-Cologne Water Quality Control Act (Porter-Cologne; Ca. Water Code, Div. 7, Section 13000 et seq.). The RWQCB regulates discharges that can affect water quality of both waters of the U.S. and waters of the State. If there is no significant nexus to a traditional navigable water body and thus no USACE jurisdiction over waters of the U.S., then the RWQCB regulates water quality of waters of the State through a Waste Discharge Permit, as required to comply with the Porter-Cologne Water Quality Control Act when a Section 401 water quality certification would not apply.

Sections 1600 through 1606 of the California Fish and Game Code (CFGC)

These sections require that a Streambed Alteration Application be submitted to the CDFW for “any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake.” The CDFW reviews the proposed actions and, if necessary, submits to the applicant a proposal for measures to protect affected fish and wildlife resources. The final proposal that is mutually agreed upon by the Department and the applicant is the Streambed Alteration Agreement. Often, projects that require a Streambed Alteration Agreement also require a permit from the USACE under Section 404 of the CWA. In these instances, the conditions of the Section 404 permit and the Streambed Alteration Agreement may overlap.

California Fish and Game Codes (CFGC)

All birds, and raptors specifically, and their nests, eggs and parts thereof are protected under Sections 3503.5 of the CFGC. Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) is considered a violation of this code. Additionally, Section 3513 of the CFGC prohibits the take or possession of any migratory non-game bird listed by the MBTA. The CDFW has jurisdiction over the conservation, protection, and management of wildlife, native plants, and habitat necessary to maintain biologically sustainable populations (CFGC Section 1802). The CDFW, as a trustee agency under CEQA Guidelines Section 15386, provides expertise in reviewing and commenting on environmental documents and makes and regulates protocols regarding potential negative impacts to biological resources held in California.

Fully Protected Species

Four sections of the CFGC list 37 fully protected species (CFGC Sections 3511, 4700, 5050, and 5515). These sections prohibit take or possession "at any time" of the species listed, with few exceptions, and state that "no provision of this code or any other law will be construed to authorize the issuance of permits or licenses to 'take' the species," and that no previously issued permits or licenses for take of the species "shall have any force or effect" for authorizing take or possession.

Bird Nesting Protections

Bird nesting protections (CFGC Sections 3503, 3503.5, 3511, and 3513) include the following:

- Section 3503 prohibits the take, possession, or needless destruction of the nest or eggs of any bird.
- Section 3503.5 prohibits the take, possession, or needless destruction of any nests, eggs, or birds in the orders Falconiformes (new world vultures, hawks, eagles, ospreys, and falcons, among others), or Strigiformes (owls).
- Section 3511 prohibits the take or possession of fully protected birds.
- Section 3513 prohibits the take or possession of any migratory nongame bird or part thereof, as designated in the MBTA. To avoid violation of the take provisions, it is generally required that project-related disturbance at active nesting territories be reduced or eliminated during the nesting cycle.

CA Migratory Bird Act-Assembly Bill 454

Existing federal law, the Migratory Bird Treaty Act, provides for the protection of migratory birds, as specified. The federal act also authorizes states and territories of the United States to make and enforce laws or regulations that give further protection to migratory birds, their nests, and eggs. Existing state law makes unlawful the taking or possession of any migratory nongame bird, or part of any migratory nongame bird, as designated in the federal act, except as provided by rules and regulations adopted by the United States Secretary of the Interior under provisions of the federal act..... (a) It is unlawful to take or possess any migratory nongame bird as designated in the federal Migratory Bird Treaty Act (16 U.S.C. Sec. 703 et seq.), or any part of a migratory nongame bird described in this section, except as provided by rules and regulations adopted by the United States Secretary of the Interior under that federal act.

Native Plant Protection Act

The Native Plant Protect Act (NPPA) (1977) (CFGC Sections 1900-1913) was created with the intent to "preserve, protect, and enhance rare and endangered plants in this State." The NPPA is administered by CDFW. The California Fish and Game Commission has the authority to designate native plants as endangered or rare and to protect endangered and rare plants from take. The CESA (CFGC 2050-2116) provides further protection for rare and endangered plant species, but the NPPA remains part of the Fish and Game Code.

Natural Communities Conservation Planning Act

This act was enacted to encourage broad-based planning to provide for effective protection and conservation of the state's wildlife resources while continuing to allow appropriate development and growth (CFGC Sections 2800 to 2835). Natural Community Conservation Plans (NCCP) may be implemented, which identify measures necessary to conserve and manage natural biological diversity within the planning area, while allowing compatible and appropriate economic development, growth, and other human uses.

Senate Concurrent Resolution No. 17 – Oak Woodlands

State Senate Concurrent Resolution No. 17 is legislation that requests state agencies having land use planning duties and responsibilities to assess and determine the effects of their decisions or actions within any oak woodlands containing Blue, Engelmann, Valley, or Coast Live Oak. The measure requests those state agencies to preserve and protect native oak woodlands to the maximum extent feasible or provide replacement plantings where designated oak species are removed from oak woodlands. The mitigation measures, as described above, will ensure that impacts to oak woodlands are less than significant

4.2.3.3 Local

County Development Code

The following provisions from the County Development Code help minimize biological resources impacts associated with new development projects and are relevant to the proposed Project.

Chapter 88.01 (Plant Protection and Management). This chapter provides regulatory and management guidance for plant resources in unincorporated areas as well as mixed public and private lands. It primarily addresses tree and vegetation removal in public land and private land in unincorporated areas.

Section 88.01.070, Mountain Forest and Valley Tree Conservation. This section conserves forest resources in the Mountain and Valley regions to supplement the Z'berg-Nejedly Forest Practice Act of 1973 (California Public Resources Code, § 4526 et seq.). It regulates private and commercial harvesting of trees on public and private land.

Section 88.01.080, Riparian Plant Conservation. This section addresses the health of riparian corridors, their impact on waterways within the region, their use as habitat by various plant and wildlife species, and their stabilization of stream banks.

Chapter 88.02, Soil and Water Conservation. This chapter promotes the health of soil communities to limit soil erosion potential and preserve air quality. This code primarily regulates ground-disturbing activities.

San Bernardino Countywide Plan

The San Bernardino Countywide Plan offers goals and policies related to the protection of biological resources. These goals and policies are found in the Natural Resources Element and Land Use Element.

Natural Resources Element

The Countywide Plan Natural Resources Element has the following goal and policies that relate to biological resources, including:

Goal NR-5 An interconnected landscape of open spaces and habitat areas that promotes biodiversity and healthy ecosystems, both for their intrinsic value and for the value placed on them by residents and visitors.

Policy NR-5.1 Coordinated habitat planning. We participate in landscape-scale habitat conservation planning and coordinate with existing or proposed habitat conservation and natural resource management plans for private and public lands to increase certainty for both

the conservation of species, habitats, wildlife corridors, and other important biological resources and functions; and for land development and infrastructure permitting.

Policy NR-5.2 Capacity for resource protection and management.

We coordinate with public and nongovernmental agencies to seek funding and other resources to protect, restore, and maintain open space, habitat, and wildlife corridors for threatened, endangered, and other sensitive species.

Policy NR-5.3 Multiple-resource benefits.

We prioritize conservation actions that demonstrate multiple resource preservation benefits, such as biology, climate change adaptation and resiliency, hydrology, cultural, scenic, and community character.

Policy NR-5.6 Mitigation banking.

We support the proactive assemblage of lands to protect biological resources and facilitate development through private or public mitigation banking. We require public and private conservation lands or mitigation banks to ensure that easement and fee title agreements provide funding methods sufficient to manage the land in perpetuity.

Policy NR-5.7 Development review, entitlement, and mitigation.

We comply with state and federal regulations regarding protected species of animals and vegetation through the development review, entitlement, and environmental clearance processes.

Policy NR-5.8 Invasive species. We require the use of non-invasive plant species with new development and encourage the management of existing invasive plant species that degrade ecological function.

Land Use Element

The Countywide Plan Land Use Element has the following policy that relates to biological resources, including:

Policy LU-2.3. Compatibility with natural environment. We require that new development is located, scaled, buffered, and designed for compatibility with the surrounding natural environment and biodiversity.

4.2.4 Thresholds of Significance

The following criteria for establishing the significance of potential impacts on biological resources were derived from Appendix G of the CEQA Guidelines. These criteria conform to the County's Initial Study Checklist. According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) 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 impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

However, as the focus of this PRDEIR No. 3 is to respond to the Court's writ of mandate, the County has chosen to take specific action necessary to bring its consideration of the Project into compliance with CEQA. The County has determined that revising the relevant sections of the July 2020 FEIR to address the inadequacies identified by the Court is the appropriate process for complying with the Court's ruling and writ of mandate. As a result, the County proposes to analyze the following environmental issues under this Subchapter: biological resources, specifically Project related impacts to the federally listed as threatened ashy-gray Indian paintbrush (*Castilleja cinerea*) or sensitive pebble plain habitat. This impact will be analyzed in the context of the following two criteria extracted from Appendix G of the CEQA Guidelines:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No change in the analysis for any biological community (vegetation communities, plant species, wildlife species, critical habitat, wildlife movement, etc.), other than the following discussion of impacts to ashy-gray Indian paintbrush and pebble plain like soils, is required as part of this PRDEIR No. 3, as the Court found the analysis thereof sufficient. Refer to that which was included in the July 2020 FEIR for the final text pertaining to other biological communities not discussed in this PRDEIR No. 3.

The potential biological changes in the environment are addressed in response to the above thresholds in the following analysis.

4.2.4.1 Methodology

Definition of Special Status Resources

Presented below are definitions of special-status resources analyzed in this chapter, including special-status plant species, wildlife species, and vegetation communities.

Special-Status Plant Species

- Listed as state endangered, threatened, or rare and/or listed as endangered or threatened by the USFWS (listed species), or candidates for future listing.
- Considered by the California Native Plant Society to be "rare, threatened, or endangered in California" (CRPRs 1 and 2).

- Considered a locally significant species, that is, a species that is not rare from a statewide perspective but is rare or uncommon in a local context, such as within a county or region, or is so designated in local or regional plans, policies, or ordinances.

Vegetation Communities

Vegetation communities considered special-status are those with an “S” ranking of 1, 2, or 3 or associations that are considered a high priority for inventory. Special-status vegetation communities also include those with protection under the existing Development Code, which includes compliance with the Desert Native Plant Act for the Desert Region and compliance with Oak Woodland protection. Additionally, some wetland habitat types may be considered special status.

Definition of Impacts

The Moon Camp Project could result in both direct and indirect impacts to biological resources, as defined below.

Direct Impacts

Direct impacts are the loss of individual species and/or its habitats through the alteration, disturbance, or destruction of biological resources. These include temporary impacts, such as the disturbance or removal of vegetation during construction that is replaced, and permanent impacts, such as removal of vegetation serving as habitat in perpetuity.

Indirect Impacts

Indirect impacts are the reasonably foreseeable effects outside of the direct area of impact (usually the limits of grading). These may include increased human activity, decreased water quality and altered hydrology, soil compaction, elevated noise and dust levels, and the introduction of invasive species. Indirect impacts can be temporary (e.g., construction) or permanent (e.g., maintenance).

4.2.5 Potential Impacts

- a) **Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

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 surveys undertaken for the 2003 Moon Camp – Tentative Tract 16136 Draft Biological Technical Report (refer to the 2006 FEIR, provided as Appendix 2), 2010 Focused Special Status Plant Species Survey (Appendix 5), 2008 Supplemental Focused Rare Plant Survey (Appendix 6), 2007 Draft Vegetation and Special Status Plants Survey (refer to RRDEIR No. 1, provided as Appendix 3), 2016 Survey of Ashy-gray Indian Paintbrush (Appendix 7).

The presence of ashy-gray Indian paintbrush on-site was confirmed during Krantz’s 2016 Survey of Ashy-Gray Indian Paintbrush. 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 within the Project site. Silver haired ivesia was found to be concentrated entirely within

the Project site's mapped pebble plain like soil conditions (note that the pebble plain like soil conditions habitat is not true pebble plain due to the lack of the two key indicator species (*Arenaria ursina* and *Eriogonum kennedyi austromontanum*). This is discussed under issue "b," below. 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 (refer to TTM No. 16136, **Figure 1-1** for a reference to the area of the project site that this species occurs). Most of the purple monkey flower distribution is included within the proposed conservation easement area of Lot A. Purple monkeyflower is not a federally listed species, but is listed by the CNPS as List 1B.2. Finally, Bear Valley phlox was found to be distributed in the open black oak woodland and under Jeffrey pines (refer to **Figure 4.2-1**, which depicts the plant communities within the site). Although restricted to Big Bear and Holcomb Valleys, its regional distribution extends up to the summit of Sugarloaf Mountain south of Big Bear Valley, and as far north as White Mountain, northwest of Holcomb Valley; the taxon is fairly common within its range, and is not considered to be a high priority candidate for listing or more formal protection. The Bear Valley phlox is not a federally listed species, but is listed by the CNPS as List 1B.2.

Development of the proposed 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 Lots A and H; Open Space Conservation Easement), all five of the CNPS List 1B status species observed on-site will be protected through Mitigation Measures (MMs) **BR-1b**, **BR-1c**, **BR-1d**, and **new BR-1a** which provide for the establishment and management of conservation area within the Project site that encompasses the location of these plants, and furthermore would provide for salvage of ashy-gray Indian paintbrush seed prior to any Project related impacts to this species through establishing a seed collection program for which a federal Take Permit may be required in order to implement. Overall, the development of the Moon Camp Project would establish conservation easements on-site totaling between the 6.2 and 9.2-acres covering all of Lots A, B and H, and parts of Lots C (marina parking) and D (well site). Lots C and D have been included due to the number of trees along the lake shore line that are suitable for Bald Eagle perching and foraging for fish and waterfowl over Big Bear Lake. A Draft Long Term Management Plan (LTMP) for bald eagle and rare plant habitat conservation has been prepared for the Project, it is provided as Appendix 11 to this PRDEIR No. 3.

Ashy-gray Indian paintbrush

As concluded within the 2010 Supplemental Focused Special Status Plant Species Survey, and confirmed in the 2016 Survey of Ashy-gray Indian Paintbrush (Appendix 7), there are approximately 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. A map indicating the general locations of the species occurrences is provided as **Figure 4.2-2**. On an occurrence basis, there are approximately 5,567 occurrences of ashy-gray Indian paintbrush occurrences are located within the proposed 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 Project site. Lots A and H are part of the greater total conserved area on-site, as on-site conservation easements would total up to 9.2 acres covering all of Lots A, B and H, and parts of Lots C (marina parking) and D (well site). Of the remaining 672 ashy-gray Indian paintbrush plants within the boundaries of the Project site that have been identified on lots designated for the proposed residential development of the site, plants within Lots 1, 47, 48, 49, and 50, are all within

the rear Lot building setbacks, and 20 additional plants within Lot 4 could be avoided by the future development of the site, as 20 of the 90 plants within Lot 4 fall within the rear building setback.

Discrete counts of ashy-gray Indian paintbrush occurrences were also conducted on Lots 1-5 of the Moon Camp subdivision (refer to TTM No. 16136, **Figure 1-1**). Lot 1 contains approximately 45 occurrences of ashy-gray Indian paintbrush, all located within a 5-meter radius of the southeast corner of the property, within the rear-lot and side-lot building setbacks, thus presenting a potential for conservation by building setbacks and site design. Within Lot 2, approximately 150 ashy-gray Indian paintbrush plants are scattered across the Lot.

Lot 3 contains approximately 175 plants, while 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. Lot 5 contains approximately 30 plants, and an additional 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 proposed Project will impact approximately 672 occurrences of ashy-gray Indian paintbrush occupying approximately 1.55 acres. As provided above in **Subsection 4.2.2.2, Plant Communities**, the total estimated numbers of ashy-gray Indian paintbrush plants located within the proposed Project site are outlined within **Table 4.2-2**.

An additional 127 plants, as described above, and outlined in **Table 4.2-3**, below, are potentially capable of being conserved by building setbacks and site design.

**Table 4.2-3
SUMMARY OF ASHY-GRAY INDIAN PAINTBRUSH OCCURRENCE ON THE MOON CAMP SITE**

Lot Designation	Habitat (acres)	Number of Plants	Impacts		Potential for Preservation On-Site
			Acres	Individual Plants	Individual Plants
Roadway	0.5	40	0.5	40	-
Lot F	0.14	80	0.14	80	-
Lot 1	0.51	45	0.51	As few as 0	Up to 45
Lot 2	0.50	150	0.50	150	-
Lot 3	0.50	175	0.50	175	-
Lot 4	0.58	90	0.58	As few as 70	Up to 20
Lot 5	0.85	30	0.85	30	-
Lot 47/48	0.11	50	0.11	As few as 0	Up to 50
Lot 49	0.01	9	0.01	As few as 0	Up to 9
Lot 50	0.11	3	0.11	As few as 0	Up to 3
Total	2.87	672	2.87	Up to 672, as few as 545	Up to 127

Source: ELMT Consulting, 2018. Technical Review of the Biological Database for the Moon Camp Project Site. May 23, 2018. Appendix 6, referenced in the 2020 FEIR

Based on the above discussion, the 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 on-site conservation of ashy-gray Indian paintbrush occurrences results in mitigation, reinforced by MM **BR-1b** for Project impacts at more than an approximately 7:1 ratio. On an acreage basis, the Project will mitigate impacts to the ashy-gray Indian paintbrush on-site at a 1.68:1 ratio.

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 an additional 127 occurrences of ashy-gray Indian paintbrush, which would provide further protections to the species in place, potentially enabling the continued proliferation of the species within the Moon Camp Project site. This would be implemented as a requirement of MM **BR-1d**, which has been expanded since the certification of the 2020 FEIR. MM **BR-1d** requires the construction within Lots 1, 4, 47, 48, 49, and 50 to be restricted by means of building envelopes or building setback lines to prevent construction in the occupied ashy-gray Indian paintbrush habitat, wherever feasible. Once the Moon Camp Project is developed, the developer cannot control the actions of private home owners on private land, thus, though MM **BR-1d** would protect ashy-gray Indian paintbrush for the duration of construction, preservation of the species during occupation of the future residences cannot be guaranteed. However, given that the proposed Moon Camp Project would include the creation of a Homeowner's Association (HOA), the provisions of MM **BR-1c** have been modified to ensure that education of future homeowners of Lots 1, 4, 47, 48, 49, and 50 is provided to spread awareness of the importance of retaining this species in its natural state on site. MM **BR-1c** also sets forth a number of actions that would ensure the permanent preservation of the Conservation Areas to be established on site. Where homeowners do not wish to retain the areas of their properties containing the ashy-gray Indian paintbrush, the seed collection that shall take place during construction would suffice to ensure conservation and preserve genetic diversity in the species. MM **BR-1a** addresses seed collection, which is discussed in detail, below.

The USFWS conducts a review every 5 years for listed species. The Endangered Species Act of 1973 requires the USFWS to review each listed species' status at least once every 5 years. The most recent 5-Year Review⁶ for *Castilleja cinerea* (ashy-gray Indian paintbrush) concluded that, due to several extant, presumed extant, and extirpated known occurrences of the species, the species remains threatened. The 5-Year Review recommends future actions to reduce threats to ashy-gray Indian paintbrush, which include the following applicable recommendations to the proposed Project:

1. Reduce impacts to ashy-gray Indian paintbrush and its habitat from recreational and unauthorized Off-highway vehicle (OHV) use.
2. Reach out to private landowners to identify opportunities for conservation on private lands. Work with private landowners, local governments, and conservation organizations to conserve and manage habitat.
3. Collect ashy-gray Indian paintbrush seed and conserve seed in an ex-situ (off-site) conservation seed bank, to preserve the genetic diversity in the species.

The USFWS has identified specific actions that can be taken to mitigate potential impacts to the ashy-gray Indian paintbrush, and the applicability of those recommendations when applied to the proposed Project, is discussed below.

⁶ USFWS, 2021. 5-Year Review, *Castilleja cinerea* (ash-gray paintbrush), https://ecos.fws.gov/docs/tess/species_nonpublish/3393.pdf (accessed May 10, 2023)

In regards to recommendation 1, above, the existing Moon Camp Project site is presently vacant, and while it is private land, exclusion of OHV use of the site is not easily controlled, and is, therefore, difficult to enforce beyond maintaining exclusionary fencing along the highway preventing access to the Project site. The development of the Moon Camp Project would conserve up to 9.2-acres of the 62.43-acre Project site, and the development itself, when combined with the conservation proposed by the Project, would ensure that OHV use within the conservation areas of the site is prohibited in the future. Thus, the Moon Camp Project would further the USFWS 5-Year Review recommendations pertaining to OHV use impacts on ashy-gray Indian paintbrush.

In regards to recommendation 2, above, the proposed Moon Camp Project has incorporated conservation easements covering 88 percent of the ashy-gray Indian paintbrush that occupy the site. Thus, as a private land development, the Moon Camp Project, through site design and implementation of MMs **BR-1b** and **BR-1c**, would establish and ensure the permanent preservation of on-site conservation easements that would protect this species in perpetuity.

In regards to recommendation 3, above, the 2023 Memo prepared by Daniel Smith recommended that, based on feedback from the USFWS regarding mitigation impacts to ashy-gray Indian paintbrush, the Project applicant should consider coordinating with an organization, such as the California Botanic Garden, to salvage ashy-gray Indian paintbrush seed prior to any Project related impacts to this species. This is because seed collections allow for genetic conservation of the species and help develop propagation protocols for the species, thereby preserving its existence outside of known occurrences, as documented in the USFWS 5-Year Review for the species. The USFWS has requested ashy-gray Indian paintbrush seed collection in the past and thus, seed collection would provide an additional valuable conservation measure to further protect the ashy-gray Indian paintbrush species as part of the Moon Camp Project. MM **BR-1a** establishes the seed collection that would take place prior to construction within Lots 1, 4, 47, 48, 49, and 50.

The proposed Project would, both through site design and implementation of MMs **BR-1b** and **BR-1c**, establish and ensure the permanent preservation of on-site conservation easements that would protect 88 percent of the ashy-gray Indian paintbrush within the Moon Camp Project site, thereby resulting in mitigation protecting the species at an approximately 7:1 ratio on an on-site plant occurrence basis, and on an acreage basis at a 1.68:1 ratio. Furthermore, the proposed project would protect up to an additional 127 species through the implementation of MM **BR-1d** by restricting the building envelopes or building setback lines to prevent construction in the occupied ashy-gray Indian paintbrush habitat. Finally, to ensure adherence with USFWS recommendations for reducing threats to and providing conservation for the ashy-gray Indian paintbrush, and thereby mitigation impacts to the species, MM **BR-1a** would establish a seed collection program to conserve the ashy-gray Indian paintbrush seed for the up to 672, or as few as 545 affected occurrences of the species on-site. The above-described implementation of mitigation measures would facilitate not only protection of the species in place on site totaling at least 88% of on-site occurrences, but would also preserve the existence of the species through genetic conservation by way of a seed collection. Thus, the impacts to ashy-gray Indian paintbrush would be fully mitigated through adherence to the provisions of the USFWS recommendations for conservation and protection of the species, thereby impacts to ashy-gray Indian paintbrush are collectively concluded to be less than significant.

- b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

Sensitive Plant Communities

Pebble Plain like Soils

Approximately 1,511 acres of pebble plain are known to exist in the San Bernardino Mountains (Krantz, 2008), 60 percent (906 acres) of which occurs on public lands. Pebble plain is a rare plant community associated with specific soil conditions comprised of dense clay soils covered in a surface layer of quartzite rocks that are brought to the surface by frost heave. In addition to the unique soil characteristics and treeless habitat structure of pebble plains, this habitat is defined by the presence of two endemic threatened (federal) plant species: *Eriogonum kennedyi* var. *austromontanum* (southern mountain buckwheat) and *Eremogone ursina* (Big Bear Valley sandwort [formerly *Arenaria ursina*]) (Derby and Wilson 1978; Krantz 2008).

The 2008 Supplemental Focused Rare Plant Survey indicated that pebble plain like 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. Approximately 0.69 acres of the Project site has some pebble plain like soil characteristics (Krantz 2008; Krantz 2010; McGill 2018). However, Dr. Krantz noted in his 2008 Supplemental Focused Rare Plant Survey and 2010 Focused Special Status Plant Species Survey reports that neither of the two key pebble plain indicator species (southern mountain buckwheat and Big Bear Valley sandwort) were present on-site and the ashy-gray paintbrush documented on the Project site occurs within yellow pine forest habitat.

Furthermore, the 2010 Focused Special Status Plant Species Survey, which was conducted to respond to concerns raised in comments received on the RRDEIR No. 1, concludes that the prior biological surveys mischaracterized the 0.69-acre portion of the project site as true pebble plain. As discussed in the 2010 Focused Special Status Plant Species Survey, the area previously classified as pebble plain habitat is not actually pebble plain due to the lack of the two key indicator species southern mountain buckwheat and Big Bear Valley sandwort. The 2010 Focused Special Status Plant Species Survey findings augment the 2008 Supplemental Focused Rare Plant Survey conducted by Dr. Krantz by providing an additional above-average precipitation year for observation. Therefore, based on the findings of the 2010 Focused Special Status Plant Species Survey, no true pebble plain habitat exists on the project site, and thus, the implementation of the proposed Project will have no potential to impact pebble plain habitat, and thus would not result in a potentially significant impact and no mitigation is required. This was further confirmed by the 2023 Memo prepared by Jacobs Engineering Group Biologist, Daniel Smith. The 2023 Memo concludes Dr. Krantz accurately concluded that the Project site does not contain any pebble plain habitat that would require mitigation (Krantz 2010).

The Project Applicant, RCK Properties, has purchased the 10-acre Dixie Lee Lane parcel. According to the 2010 Focused Special Status Plant Species Survey, the 10-acre Dixie Lee Lane parcel is estimated to contain very high densities of the two indicator species for pebble plain habitat—*Arenaria ursina* and *Eriogonum kennedyi austromontanum*—with an estimated population in the tens of thousands. Moreover, Dr. Krantz characterized the Dixie Lee Lane property parcel as a “textbook example of this rare plant community.” Dr. Krantz further opined that, to the best of his knowledge, the Dixie Lee Lane property parcel represents the highest density of pebble plain plant species of any privately held land in Big Bear Valley. The Dixie Lee Lane parcel is currently owned by the applicant and has no deed restrictions. As part of the proposed Project, the Project Applicant is offering this 10-acre parcel as a benefit to the

community to be preserved in perpetuity, which will be enforced through the County's Conditions of Approval for the Project.

As of this writing, the parent parcel surrounding the Dixie Lee Lane parcel that is owned by the Moon Camp Project Applicant, has been conveyed to the Bear Valley Unified School District (BVUSD). The BVUSD and the Big Bear Valley Education Foundation are working with the San Bernardino Mountains Land Trust and the ad-hoc Pebble Plains Advisory Committee on several pebble plains restoration and biological monitoring projects on the Sawmill pebble plains west of the Dixie Lee Lane parcel. As discussed above, as part of the community benefits proposed by the Moon Camp Project, RCK Properties, shall duly record a Conservation Easement over the Dixie Lee Lane Parcel in the name of a CDFW-authorized entity. In 1988, the EIR prepared for the development of Big Bear High School (BBHS) identified a portion of the Dixie Lee Lane parcel as mitigation to offset impacts related to the development of the BBHS. A conservation easement was not established, and therefore the whole of the parcel was retained by RCK Properties with the intent of establishing a conservation easement that would cover the whole of the site to provide additional benefits to the community⁷ as part of the Moon Camp Project. Regardless, the creation of a conservation easement at the Dixie Lee Lane parcel is not considered mitigation to offset impacts to any special status plants (such as ashy-gray Indian paintbrush) or sensitive natural communities (such as pebble plain habitat), as originally identified in the 2020 FEIR for the Moon Camp Project. Impacts to ashy-gray Indian paintbrush, as discussed under issue (a), above, can be mitigated to a level of less than significant with implementation of the 4 mitigation measures identified below. Furthermore, no mitigation is required to minimize impacts to the pebble plain habitat on-site, because the Project site does not contain any pebble plain habitat.

4.2.6 Impacts with No Change

Consistent with Subsection 4.2.2.3, Biological Communities for which there has been No Change since the Certification of the 2020 FEIR, the following constitutes a list of impacts that were fully analyzed in the 2020 FEIR, and were determined to be sufficiently analyzed therein by the Court under Biological Resources:

Special Status Plant Species Potentially Occurring on the Project Site

No change.

Special Status Wildlife Species

- Reptiles
- Birds Including the Following Species:
 - Bald Eagle.
 - 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.

⁷ These benefits include:

- The development of the Moon Camp Project would establish conservation easements on-site totaling up to 9.2-acres covering all of Lots A, B and H, and parts of Lots C and D.
- The development of the Moon Camp Project would establish perpetual protection and maintenance of designated habitat areas on site.
- The development of the Moon Camp Project would result in the creation of a conservation easement at the Dixie Lee Lane 10-acre off-site parcel comprised of high-density pebble plain habitat.
- The development of the Moon Camp Project would designate nearly an acre to neighborhood lake access.
- The development of the Moon Camp Project would not include any residential development along the lakeshore, conserving the scenic beauty of the lakeshore.

- Black Swift, Yellow Warbler, Hepatic Tanager, Purple Martin, and Gray Vireo.
- Mammals Including the Following Species:
- 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.
- San Bernardino Mountain Flying Squirrel.

No change.

Direct Impacts Including:

- Flora and Vegetation Type Impacts
- Jeffrey Pine Forest
- Lake Shoreline
- Developed
- Wildlife Impacts

No change.

Indirect Impacts Including:

- Pebble Plains
- Noise Impacts
- Increased Dust and Urban Pollutants
- Night Lighting
- Human Activity
- Non-Native Species
- Jurisdictional Waters

No change.

Regional and Local Policies Pertaining to Biological Resources Including:

- Potential Conflict with Regional and Local Policies/Plans
 - Note that even though the Countywide Plan was adopted in the months following the certification of the 2020 FEIR, the proposed project would be consistent with applicable general plan goals and policies. This is discussed in detail under Subchapter 4.2, Land Use and Planning.
- County of San Bernardino Biotic Resources Overlay District
- Plant Protection and Management Ordinance – County of San Bernardino Development Code

No change.

Wildlife Movement

No change.

Migratory Bird Treaty Act

No change.

Cumulative Impacts

No change.

4.2.7 Avoidance, Minimization and Mitigation Measures

Special Status Biological Resources

Special Status Plants and Plant Communities

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 100.⁸ 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.

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 minimum, restrict all use*

⁸ United States Forest Service, 2023. Collecting Native Seed.
https://www.fs.usda.gov/wildflowers/Native_Plant_Materials/developing/collecting.shtml#:~:text=Storage,of%20viabilit y%20due%20to%20molds.

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.

BR 1-c *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.*

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

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.*

BR-3. *Given the negative results of on-site surveys 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.*
- *The Project Applicant must compensate for the removal of suitable habitat through construction and erection of two nest boxes and one aggregate box per snag removed.*
- *The Project Applicant is required to provide homeowners with information on the biology of the San Bernardino 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 Monitoring and 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.

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 by trimming and limbing to make*

suitable for eagle perching. The exact method of perch tree replacement shall be made after consultation with a certified arborist. Prior to commencement of construction activity, the 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 Homeowners 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.

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.*

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 July 31 (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.

BR-7. *Vegetation removal, clearing, and grading on the Project site shall 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.

- 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 Conditions, Covenants & Restrictions (CC&Rs).*

Sensitive Natural Communities/Habitats

Wildlife Impacts/Indirect Impacts

- 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).*
- 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.*
- 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's Association CC&Rs and a map of designated hiking trails will be provided to all residents.

- 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, non-native plant species are not to be used in the proposed landscaping. The biologist will suggest appropriate native plant substitutes or non-invasive, nonnative 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's 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

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.*

Wildlife Movement

No change; no mitigation measures are recommended.

Regional and Local Policies/Plans

No change; no mitigation measures are recommended.

Cumulative

No change; no mitigation measures are recommended.

4.2.8 Cumulative Impacts

No change in cumulative impacts have been made in the paragraphs below. This section is provided for context on the cumulative impacts to biological resources as a whole from Moon Camp Project implementation.

Significant and unavoidable adverse impacts from development of the proposed Moon Camp Project related to Biological Resources have been identified for impacts to the bald eagle. MM **BR-4** requires that eagle perch locations be preserved in place upon completion of the proposed Moon Camp 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 MM **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. Thus, impacts to bald-eagle are considered significant and unavoidable at both the project-specific, and cumulative impact levels.

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), ashy-gray Indian paintbrush (threatened) and slender-petalled thelypodium (endangered). In addition, 26 CNPS List 1B or 2 species could potentially occur on the Project site. According to the 2008 Supplemental Focused Rare Plant Survey, only the ashy-gray 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 of the yellow pine habitat, particularly areas with rocky soils or outcrops, identified one of the three CNPS List 1B plant species (Bear Valley woollypod) 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 mitigation is sufficient to mitigate impacts to the ashy-gray 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 proposed 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 Moon Camp 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.

4.2.9 Unavoidable Adverse Impacts and Summary of Impacts after Mitigation

As indicated above, the Project revisions incorporated into the Moon Camp Project analyzed herein, are in direct response to the 2010 Focused Special Status Plant Species Survey prepared by Dr. Krantz. The survey identified a large number of ashy-gray Indian paintbrush occurrences

in the western portion of the Project site, which shall be conserved through the creation of conservation areas A and H, as shown on **Figure 4.2-2**.

The 2010 Focused Special Status Plant Species Survey concluded that Project site contained 7.71 acres of habitat for the ashy-gray Indian paintbrush, of which 4.84 acres will be permanently preserved on-site. This results in mitigation of project impacts on a 1.68:1 ratio, on an acreage basis. On an occurrence basis, the Project site contains 5,567 occurrences of ashy-gray Indian paintbrush with 88 percent, or 4,895 of the occurrences within the Project site that will be protected through permanent conservation easements designated within both lettered Lots A and H, which equates to a conservation on an occurrence basis of approximately 7:1. The conservation easements would be established through MM **BR-1b**, and the preservation of the conservation easements would be ensured through MM **BR-1c**. Furthermore, MM **BR-1a** would require seed collection of ashy-gray Indian paintbrush in order to salvage ashy-gray Indian paintbrush seed prior to any Project related impacts to this species, and MM **BR-1d** would require the construction within Lots 1, 4, 47, 48, 49, and 50 to be restricted by means of building envelopes or building setback lines to prevent construction in the occupied ashy-gray Indian paintbrush habitat, wherever feasible, thereby minimizing impacts to the plants that can be feasibly retained as part of the Project.

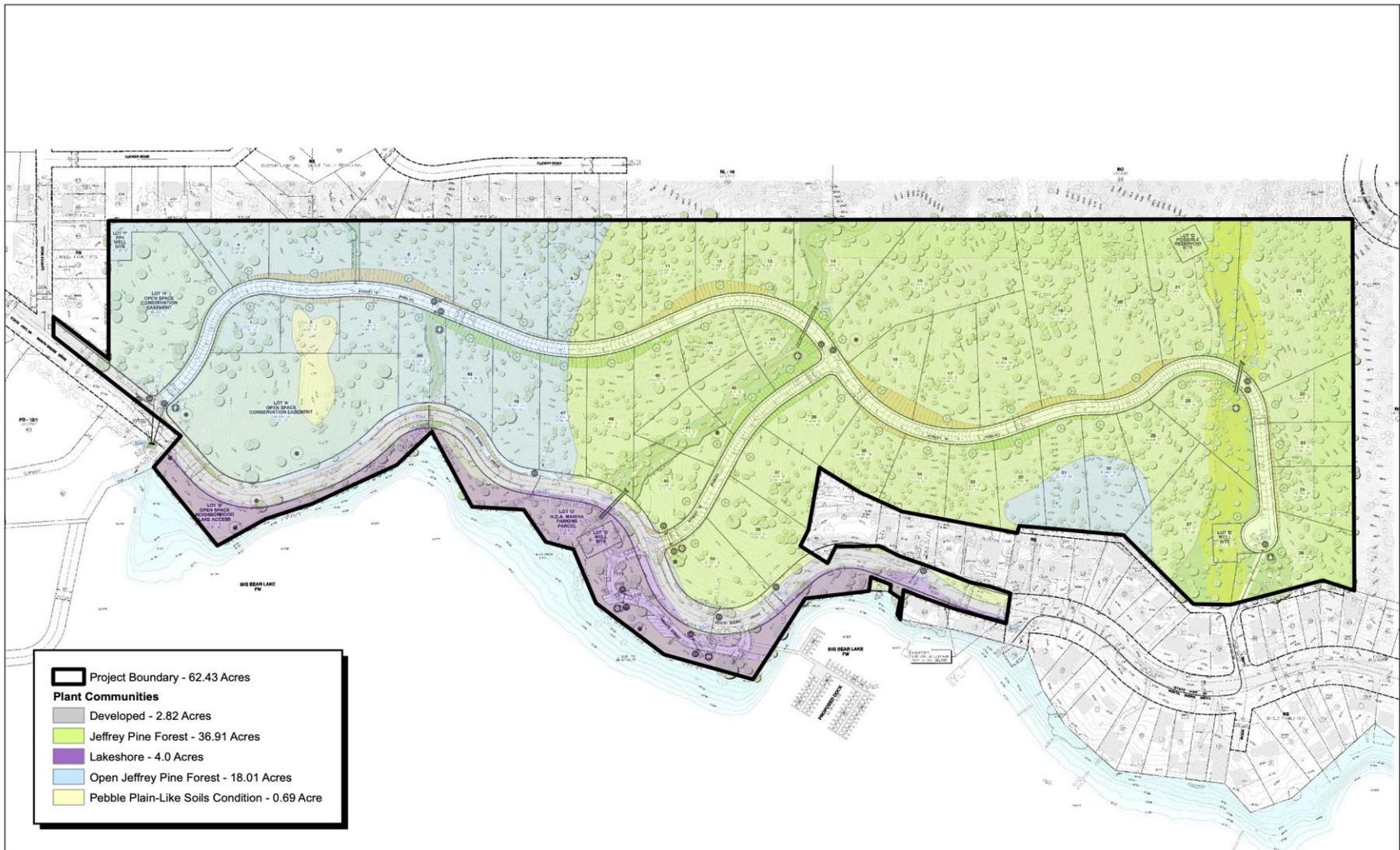
Additionally, the 2010 Focused Special Status Plant Species Survey clarified that the 0.69-acre area previously identified as sensitive pebble plain habitat, located in the central portions of Lot A (preserved for the conservation easement) and Lot 1 (a residential lot), is not true pebble plain habitat due to the lack of associated indicator species. Therefore, this area has been clarified to be referred to as pebble plain like soil conditions. Because no true pebble plain habitat exists onsite, disturbance of the area previously characterized as pebble plain and included within the boundaries of Lot 2, does not constitute a significant impact. Accordingly, no impacts to pebble plain habitat would occur as a result of Project implementation as no pebble plain habitat exists within the Project site.

Significant and unavoidable impacts related to Biological Resources have been identified for impacts to bald eagle. MM **BR-4** would mitigate impacts by requiring replacement of perch trees at a ratio of 5:1 with the creation of artificial perch trees along the shoreline designated open space. In addition, any development that may occur within the Project site and in the individual lots must avoid impacts to these trees and their root structures. All construction or landscaping improvements, including irrigation, will be prohibited on or around the exposed root structures or within the dripline of these trees. However, because the Project would result in a permanent change in existing conditions under which the bald eagle currently occupies the site and vicinity, impacts would remain significant and unavoidable.

It should be noted that CEQA requires all potentially significant impacts be avoided or substantially reduced prior to project approval, to the extent feasible. As previously noted, the Project is likely to result in significant unavoidable impacts to the 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 noise impacts are considered a significant impact under CEQA. This threshold is so restrictive that there is no reasonable configuration to the Moon Camp 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 mitigation measures and/or compliance with applicable standards, requirements and/or policies by the County of San Bernardino.

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Source: Source: Hicks & Hartwick, Inc. (December 2010), Tim Krantz (2008), Scott White & MBA.



Plant Communities Map

SAN BERNARDINO COUNTY
MOON CAMP RESIDENTIAL SUBDIVISION PROJECT

FIGURE 4.2-1

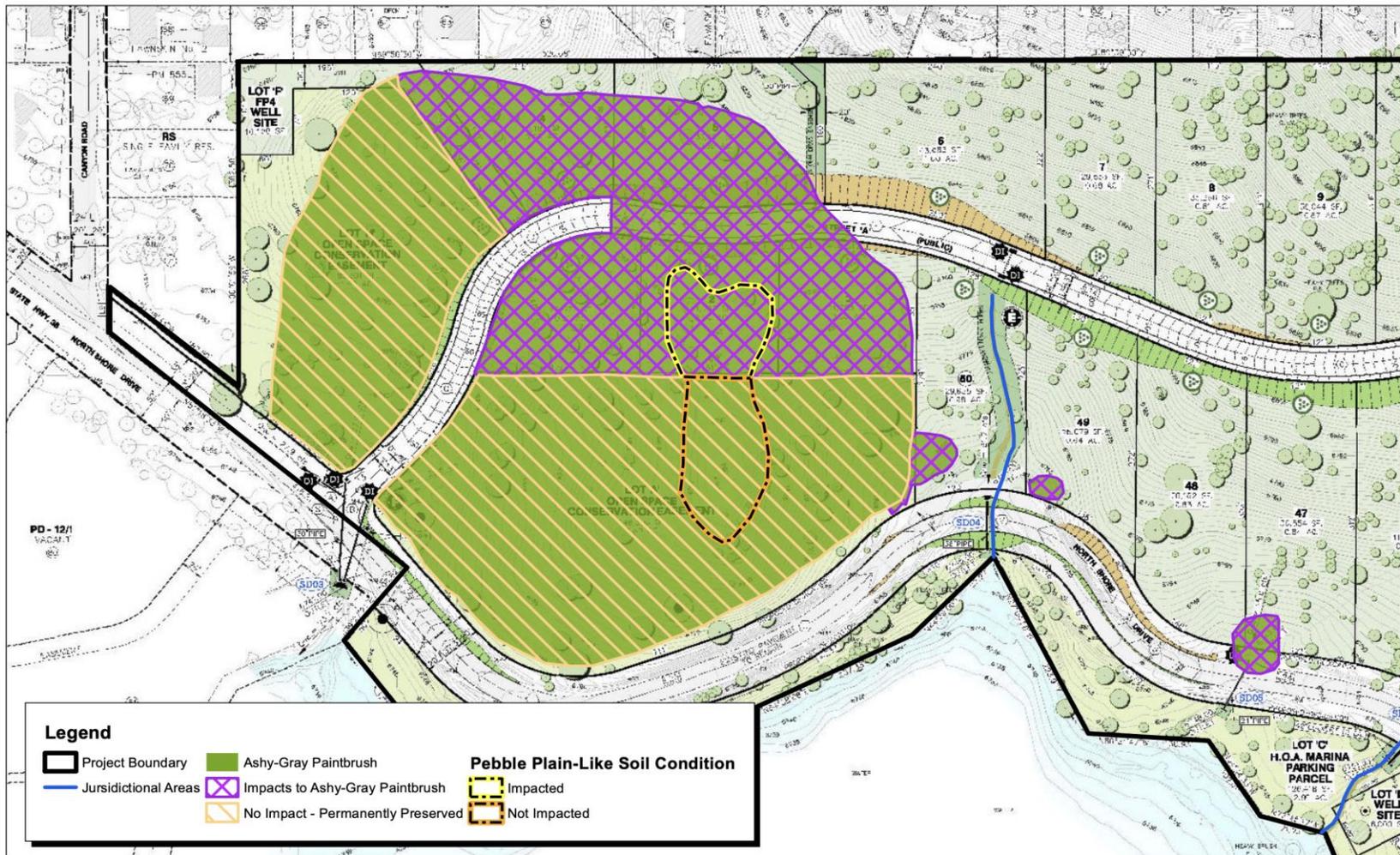
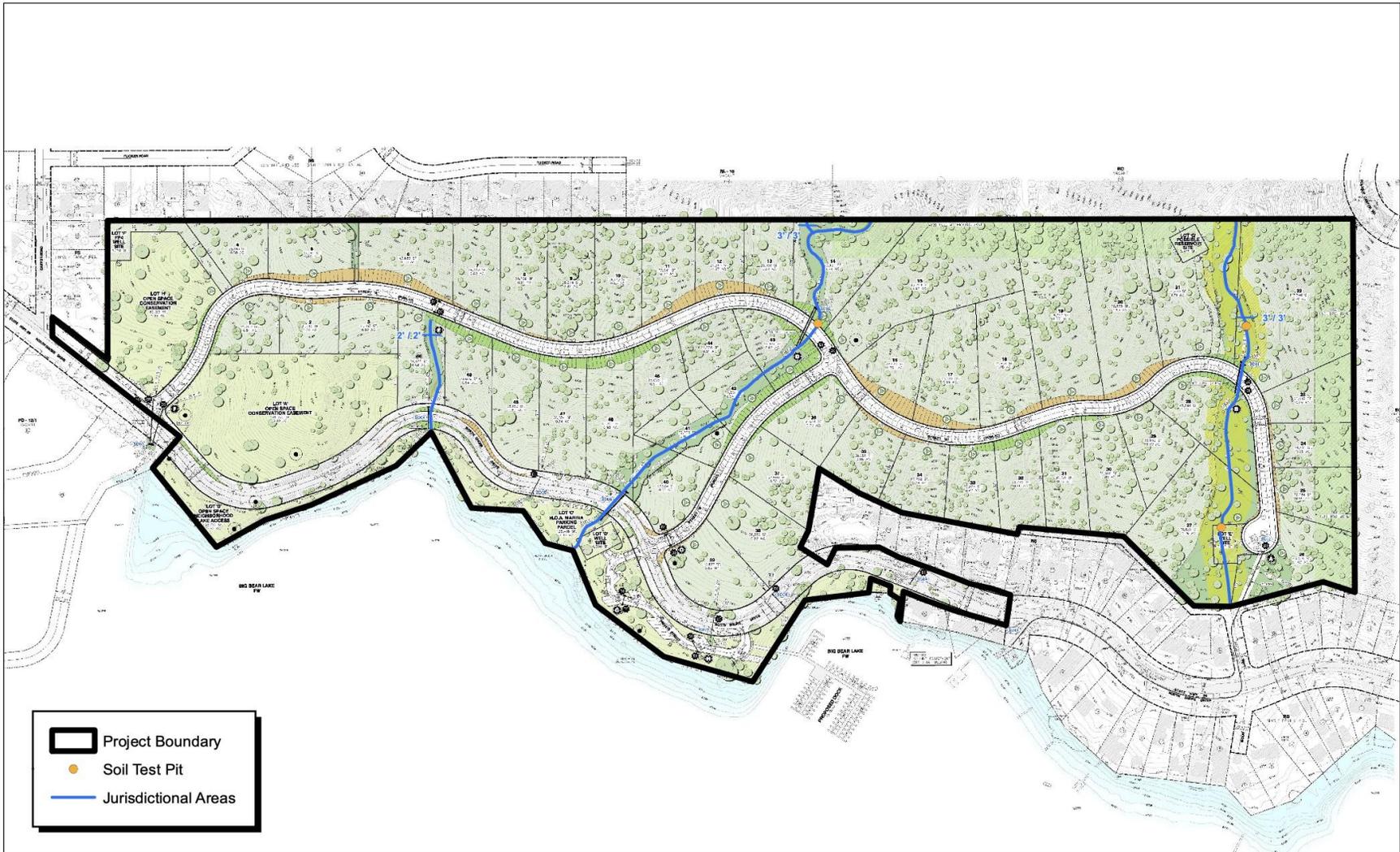


FIGURE 4.2-2



Source: Hicks & Hartwick, Inc. (December, 2010), Bon Terra Consulting (July, 2003), Tim Krantz (2008), Scott White & MBA.



Michael Brandman Associates
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Jurisdictional Map

SAN BERNARDINO COUNTY
MOON CAMP RESIDENTIAL SUBDIVISION PROJECT

FIGURE 4.2-3

4.3 HAZARDS AND HAZARDOUS MATERIALS

4.3.1 Introduction

This subchapter evaluates the environmental impacts to hazards and hazardous materials from implementation of the proposed Moon Camp Project, as part of this PRDEIR No. 3. The County proposes to analyze the following environmental issues in this Subchapter of the PRDEIR No. 3: Hazards and hazardous materials, specifically Project related impacts on wildfire evacuation and risks thereof. The threshold analyzed in this Subchapter is derived from Appendix G of the CEQA Guidelines, in view of federal, state, and local laws and policies, which identifies the issues that examine whether the proposed Moon Camp Project would have a substantial adverse impact with respect to hazards or hazardous materials by impairing implementation of or physically interfering with an adopted emergency response plan or emergency evacuation plan.

These issues will be discussed below as set in the following framework:

- 4.3.1 Introduction
- 4.3.2 Environmental Setting
- 4.3.3 Regulatory Setting
- 4.3.4 Thresholds of Significance
- 4.3.5 Methodology
- 4.3.6 Potential Impacts
- 4.3.7 Avoidance, Minimization and Mitigation Measures
- 4.3.8 Cumulative Impacts
- 4.3.9 Unavoidable Adverse Impacts and Summary of Impacts after Mitigation

The following references were used in the preparation of this Subchapter of the PRDEIR No. 3¹:

- Dudek, 2023. Moon Camp Wildfire Evacuation Plan. Provided as Appendix 12, Volume 2 to this PRDEIR No. 3
- San Bernardino Countywide Plan. San Bernardino County (2020). <https://countywideplan.com/> (accessed 09/14/23)
- San Bernardino Countywide Plan Environmental Impact Report. San Bernardino County (2019). <http://countywideplan.com/eir/> (accessed 09/14/23)
- San Bernardino County Development Code

The following public comments regarding evacuation were provided during the March 31, 2007, scoping meeting:

- Address emergency evacuation plan for the site and how it will integrate with the existing plan for the community.

The July 2020 Moon Camp FEIR is provided as Appendix 1, Volume 2 to this document. The Hazards and Hazardous Materials issue was addressed as an Effect Found Not to be Significant in the 2006 FEIR provided as Appendix 2, Volume 2 to this document. Emergency evacuation impacts were analyzed under Subchapter 4.7, Public Services in the 2010 RRDEIR No. 1, provided as Appendix 3. Based on the current CEQA Checklist, the issue of wildfire evacuation and risks thereof is analyzed in the context of Hazards and Hazardous Materials. This Subchapter, focused solely on the issue of wildfire evacuation, is being updated herein.

¹ Refer to the listed reference documents for a comprehensive list of references utilized to prepare those reports and used in support of the sections that have been extracted and utilized in support of this Subchapter.

In response to the Court issued writ of mandate, a Wildfire Evacuation Plan has been prepared by Dudek, dated September 2023, that is provided as Appendix 12, Volume 2 to this PRDEIR No. 3.

4.3.2 Environmental Setting: Hazards and Hazardous Materials

4.3.2.1 Introduction

The following environmental setting discussion pertains to wildfire evacuation and risks thereof at the Project site and surrounding area. This Subchapter only addresses the issues necessary to rectify any inadequacies identified in the Court issued a writ of mandate. Therefore, this Subsection, "Environmental Setting," only provides information relevant to the discussion of the impact analysis responding to the question *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?* As such, there will be no further discussion of the environmental setting for other hazards and hazardous materials issues. Refer to the 2020 FEIR, and 2006 FEIR for further discussion of hazards and hazardous materials.

4.3.2.2 Wildland Fire Hazards

The California Department of Forestry and Fire Protection (CAL FIRE) maps the Fire Hazard Severity Zones (FHSZ) of Big Bear Valley. The FHSZs are based on an evaluation of fuels, topography, dwelling density, weather, infrastructure, building materials, brush clearance, and fire history. The majority of the Big Bear Valley is located within a very high FHSZ, as shown on **Figure 4.3-1**, which depicts the San Bernardino Countywide Plan FHSZ Map of the project site and project area. **Figure 4.3-2** displays the San Bernardino Countywide Plan FHSZ Responsibility Areas Map. The Moon Camp Project features that would be developed are designated as being within a very high FHSZ (VHFHSZ), while the shore line area that encroaches into the Project's southern border is within a moderate FHSZ. The entire project site is located within a State Responsibility Areas (SRA).

The Project is also located within the County of San Bernardino Fire Safety Overlay (displayed on **Figure 4.10-1**).

4.3.2.3 Evacuation Routes and Evacuation Planning

The San Bernardino Countywide Plan PEIR identifies SR-18 and SR-38 in the vicinity of the proposed Project as designated evacuation routes (**Figure 4.3-3**).

Evacuation Road Network

As evidenced by historical mass evacuations in San Bernadino County and throughout Southern California, even with roadways that are designed to the code requirements, it may not be possible, or even the best response, to move large numbers of persons at the same time as part of a mass-evacuation. Instead, informed, phased evacuations enable more streamlined evacuations where those at highest risk are moved first. Road infrastructure throughout the United States, including San Bernadino County, is not designed to accommodate a short-notice, mass evacuation without some level of congestion. The need for evacuation plans, pre-planning, and tiered or targeted and staggered evacuations becomes very important for improving evacuation effectiveness. Among the most important factors for successful evacuations in urban settings is control of intersections downstream of the evacuation area. If intersections are controlled by law enforcement,

barricades, signal control, and other means, potential backups and slowed evacuations can be minimized. Multiple evacuation points enable more evacuees the ability to evacuate with less impact on roadways.

Wildfires that occur on non-extreme weather days behave in a much less aggressive manner and pose fewer dangers to life and property than on extreme weather days because they include less aggressive fire behavior and are easier to control. However, there can be on-shore wind conditions that can lead to aggressive fire behavior. Terrain and fuel are typically the wildfire drivers. During these non-extreme weather days, vegetation is much more difficult to ignite and does not spread fire as rapidly. In these situations, firefighters have a very high success rate of controlling fires and keeping them under 10 acres. The historical fire record shows that most vegetation fires occur during average weather conditions and that such fires account for only a proportionally small amount of the land area burned. Conversely, a small number of wildfires that occur during extreme fire weather account for most of the land area burned. These data highlight that the most dangerous fire conditions are those related to a fire that moves rapidly due to high winds and low humidity, whereas under normal conditions fires are likely to be controlled with no evacuation or possibly limited extent, focused evacuations.

While it is possible that a fire driven by average wind conditions could require evacuation of the Project, such an event would be highly unusual. Moreover, due to the reduced fire behavior during normal weather periods, the evacuation would not be expected to be a large-scale evacuation. Instead, most of the Project area population would be anticipated to remain at their locations and within their communities, with a more targeted evacuation being ordered, if needed.

If a wildfire ignited closer to the Project site and surrounding area during weather that facilitates rapid fire spread, a different evacuation approach would need to be considered. Because it is preferred to evacuate long before a wildfire is near, and in fact, history indicates that most human fatalities from wildfires are due to late evacuations when evacuees are overtaken on roads, it is prudent to consider a contingency option. For example, if a wildfire is anticipated to encroach upon the Project area in a timeframe that is shorter than would be required to evacuate all occupants, then options available to responding fire and law enforcement personnel should include: 1) partial relocation where occupants are temporarily relocated to nearby shelter sites or areas, or ; 2) temporary shelter in place where occupants are instructed to remain in protected on-site structures or at a designated site, while firefighters perform their structure protection function.

Among the most important factors for successful evacuations in populated settings is control of intersections downstream of the evacuation area. If intersections are controlled by law enforcement, barricades, signal control, firefighters or other means, potential backups and slowed evacuations can be minimized. Another important aspect of successful evacuation is a managed and phased evacuation declaration. Evacuating in phases, based on vulnerability, location, or other factors, enables the subsequent traffic surges on major roadway to be smoothed over a longer time frame and can be planned to result in traffic levels that flow better than when mass evacuations include large evacuation areas at the same time.

As stated under **Subsection 4.3.2.2**, above, the Project site and surrounding area are subject to wildfires, and based on the adjacent land uses and open space in the vicinity, the wildfire potential is considered high.

4.3.2.3.1 Moon Camp Project Wildfire Evacuation Plan and San Bernardino County Evacuation Planning

The Moon Camp Project Wildfire Evacuation Plan was prepared based on the San Bernardino County Emergency Operations Plan (EOP), which is discussed in detail under the regulatory setting under **Subsection 4.3.3.3**, below.

To establish a framework for implementing well-coordinated evacuations, the San Bernardino County Fire Protection District (SBCFPD or Fire Department), like most California emergency operations agencies, has adopted evacuation procedures in accordance with the State of California's Standardized Emergency Management System (SEMS) and the National Incident Command System (NIMS). Large-scale evacuations are complex, multi-jurisdictional efforts that require coordination between many agencies and organizations. Emergency services and other public safety organizations play key roles in ensuring that an evacuation is effective, efficient, and safe.

Evacuation is a process by which people are moved from a place where there is immediate or anticipated danger, to a safer place, and offered temporary shelter facilities. When the threat passes, evacuees are able to return to their normal activities, or to make suitable alternative arrangements.

Evacuation during a wildfire is not necessarily directed by the fire agency, except in specific areas where fire personnel may enact evacuations on-scene. The San Bernardino County Sheriff's Department (SBCSD) would be the primary law enforcement agency responsible for evacuations within the unincorporated County. As detailed in the County's EOP, SBCSD would staff the Law Enforcement Branch, which manages the Evacuation & Reentry Unit. If the evacuation requires coordination with other jurisdictions, the County Sheriff's Department Operations Center (DOC) will coordinate evacuation and re-entry activities and overall San Bernardino County Sheriff's Department emergency response. During any evacuation event that exceeds normal SBCSD capacity, the County's Operational Area's Emergency Operations Center (EOC) will be activated. In the event the EOC is activated, the EOC Law Enforcement Branch will activate the Evacuation Re-Entry Unit to coordinate the countywide evacuation and re-entry functions. Incident information and resource needs will be communicated from the Sheriff's DOC to the Operational Area EOC Law Enforcement Branch.

The County Sheriff's DOC works closely with other organizations including SBCFPD, with the County Sheriff's DOC being in charge of coordinating SBCFPD activities. Additionally, the Law Enforcement branch will link the County's Operational Area's EOC to many resources including the Sheriff's DOC Incident Command for incidents under the management of law enforcement services, as appropriate, Evacuation teams, Shelters, Transportation agencies, and other Supporting agencies.

Every evacuation scenario will include some level of unique challenges, constraints, and fluid conditions that require interpretation, fast decision making, and alternatives. For example, one roadway incident that results in blockage of evacuating vehicles may require short-term or long-term changes to the evacuation process. Risk is considered high when evacuees are evacuating late, and fire encroachment is imminent. This hypothetical scenario highlights the importance of continuing to train responding agencies, model various scenarios, educate the public, provide contingency plans, and take a very conservative approach to evacuation decision timelines.

Equally as important, the evacuation procedures should be regularly updated with lessons learned from actual evacuation events, including the Old Fire in 2003. This can mean that the Wildfire Evacuation Plan for an individual project is updated, especially following lessons learned from actual 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.

As demonstrated during large and localized evacuations occurring throughout San Bernadino County historically, an important component to successful evacuation is early assessment of the situation and early notification via managed evacuation declarations. The County utilizes early warning and informational programs to help meet these important factors. Among the methods available to citizens for emergency information are Telephone Emergency Alert System (TENS), a mass communications hub platform that allows the County to provide secure, reliable, and relevant information to residents in real-time, the Ready SB app, in addition to radio, television, social media/internet, neighborhood patrol car or County Sheriff patrol car, and aerial public address notifications. The County instituted this regional notification system that is able to send telephone notifications to occupants and businesses within the County impacted by, or in danger of being impacted by, an emergency or disaster. This system, called TENS, is used by emergency response personnel to notify homes and businesses at risk with information on the event and/or actions (such as evacuation, shelter-in-place, gas leak, missing person, etc.) they are advised to implement. The system utilizes the region's 9-1-1 database, provided by the local telephone company(ies), and thus is able to contact landline telephones whether listed or unlisted. It is TTY/TDD capable.

Because the system uses the 9-1-1 database, only landline numbers are in the system. If individuals have a Voice over IP (VoIP) or cellular telephone and would like to be notified over that device, or if individuals would like an email notification, individuals must register those telephone numbers and/or email address for use by the system to receive voice, text, and email messages.

San Bernardino County Evacuation Planning

The Wildfire Evacuation Plan incorporates concepts and protocols practiced throughout San Bernadino County. The County follows basic protocols set forth the County's EOP and California Master Mutual Aid Agreement, which dictate who is responsible for an evacuation effort and how regional resources will be requested and coordinated.

First responders are responsible for determining initial protective actions before EOCs and emergency management personnel have an opportunity to convene and gain situational awareness. Initial protective actions are shared/communicated to local EOCs and necessary support agencies as soon as possible to ensure an effective, coordinated evacuation. **Exhibit 4.3-1** summarizes the functional interactions of local government EOCs under the Incident Command System.

The San Bernadino Sheriff's Department (SBCSD) is the lead agency for executing evacuations of the unincorporated areas of the County. The SBCSD, as part of Unified Command, assesses and evaluates the need for evacuations, and orders evacuations according to established procedures. During an evacuation effort, the EOC Law Enforcement Branch Director supports the development of alert and warning messages and provides intelligence regarding road closures and evacuations, this position is staffed by the SBCSD. The SBCSD will be assisted by other law enforcement and support agencies. Law enforcement agencies, highway/road/street

departments, and public and private transportation providers will conduct evacuation operations as directed by the County’s Operational Area’s EOC. Procurement, regulation, and allocation of resources will be accomplished by those designated. Evacuation operations will be conducted by the following agencies:

- San Bernadino County Office of Emergency Services
- San Bernadino County Public Works Department
- San Bernadino County Department of Environmental Health Services (DEH)
- San Bernadino County Department of Aging and Adult Services
- San Bernadino County Agricultural Commissioner’s Office
- Cal OES Law Enforcement Mutual Aid Region VI
- US Forest Service
- American Red Cross
- Volunteers Active in Disasters (VOAD)
- California Highway Patrol (CHP)
- Transportation agencies
- Other County and state agencies, as needed.

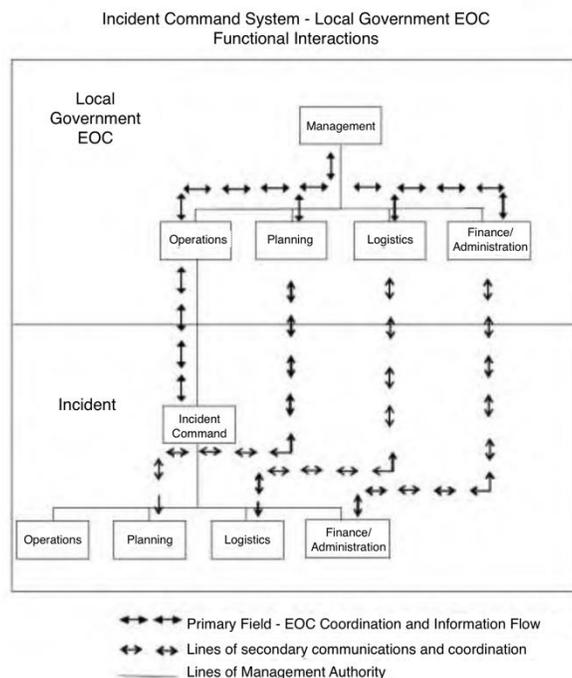


Exhibit 4.3-1. Incident Command System Local Government EOC Functional Interactions

As provided in the Big Bear Valley Community Wildfire Protection Plan (CWPP)² the San Bernardino County Sheriff’s Department maintains an exhaustive Emergency Evacuation/Reentry Plan for the Big Bear Valley, dated June 2005, to supplement the County EOC. During the Old Fire in 2003, the Emergency Evacuation/Reentry Plan for the Big Bear Valley was successfully

² Big Bear Fire Department, 2023. Community Wildfire Protection Plan. <https://bigbearfire.com/community-wildfire-protection-plan-cwpp#:~:text=The%20Big%20Bear%20Valley%20Community,collective%20%E2%80%9Csystems%20approach%E2%80%9D%20process.> (accessed 07/26/23)

implemented. The Emergency Evacuation Plan is a confidential document developed and further refined after the successful mountain evacuation during the 2003 Old Fire. The evacuation plan uses a tiered approach to evacuation, i.e., warning, voluntary, mandatory, immediate, and shelter-in-place.

P.A.C.E Evacuation Planning

P.A.C.E. evacuation planning is based on a military concept focused on mitigating risk by developing a strong primary evacuation plan along with three back up plans. If the Primary plan is compromised, the Alternate plan would be triggered. If the Alternate is considered not functional or not safe, the Contingency Plan is implemented. If that does not mitigate the risk, then the evacuation reverts to the Emergency plan. P.A.C.E. Planning is a simple and effective tool used to accomplish evacuations with flexibility and redundant contingencies.

Emergency Plan: The plan provides the following:

- (1) Based on and includes a documented, facility-based and community-based risk assessment, utilizing hazard analysis approach.
- (2) Include strategies for addressing emergency events identified by the risk assessment.
- (3) Address participant population, including, but not limited to, the type of services the PACE organization has the ability to provide in an emergency; and continuity of operations, including delegations of authority.
- (4) Include a process for cooperation and collaboration with emergency preparedness officials' efforts to maintain an integrated response during a disaster or emergency situation.

Primary: This is the overall preferred plan of action to use based on the most likely and most damaging scenario resulting from hazard analysis.

Alternate: The Alternate plan should be as viable as your Primary plan. That isn't always the case, but that should be the goal whenever possible. Alternate plans are needed because unforeseen circumstances arise during emergency evacuations.

Developing the Alternate plan includes analyzing the most likely problems that could cause your primary plan to fail and then come up with a plan that fits with your situation that won't be affected by those problems. Whenever possible, come up with a few to several vulnerabilities in your primary plan and find an alternate that's just as good but covers all those bases.

Contingency: The contingency evacuation plan is the action that will be implemented if you cannot implement either the Primary or the Contingency action due to compromised safety. The contingency isn't always (or isn't usually) as preferred as the others, but is a viable option that doesn't rely on the same actions as the Primary and Alternate.

Emergency: This is the action that is implemented if all three of the previous actions fail. In some respects, it is a last resort that is the least preferred option, but is a viable and safe option, nonetheless. The goal is to utilize an Emergency plan that's independent from reliance on the types of actions in the first three options, that evaluate whether it is a flexible plan, has the highest probability of succeeding, and offers a reliable option with little potential for compromise.

An emergency plan may not be the most convenient or preferred plan and may include components that are uncomfortable to visitors, but it should be as foolproof as possible.

Evacuation Objectives

SBCSD is the lead agency for evacuations of areas within the unincorporated County, including the proposed Moon Camp Project. The SBCSD, as part of a Unified Incident Command System, assesses and evaluates the need for evacuations, and orders evacuations according to established procedures. Additionally, as part of the Unified Incident Command System, the SBCSD identifies available and appropriate evacuation routes and coordinate evacuation traffic management with Caltrans, CHP, other supporting agencies, and all impacted jurisdictions.

The decision whether to evacuate or shelter-in-place must be carefully considered with the timing and nature of the incident. This decision is made by first responders in the field by the established Incident Command (IC) or Unified Command (UC). An evacuation effort involves an organized and supervised effort to relocate people from an area of danger to a safe location. Tactical decisions, such as detailed evacuation areas, specific routes, road closures and temporary evacuation points are decided in the field by IC or UC based upon the dynamics of the incident.

Per the County's EOP, evacuations are led by the Law Enforcement Operations Unit:

- Responsible for an orderly, systematic evacuation of residents and visitors due to an extreme emergency.
- Ensure that all items under the Americans with Disabilities Act are covered for evacuations/movement operations.
- Ensure public safety for incarcerated evacuees.
- Develop an evacuation and or re-entry plan.

Evacuation Response Operations

An evacuation of any area requires significant coordination among numerous public, private, and community/non-profit organizations. Wildfire evacuations will typically allow time for responders to conduct evacuation notification in advance of an immediate threat to life safety; giving occupants time to gather belongings and make arrangements for evacuation. On the other hand, other threats, including wildfires igniting nearby, may occur with little or no notice and certain evacuation response operations will not be feasible (for example, establishing contra flow requires between 24 to 72 hours to be implemented; a no-notice event will not allow for contra flow to be established). Evacuation assistance of specific segments of the population may also not be feasible.

Evacuation Points and Shelters: When the SBCSD or Incident Command (IC) implements an evacuation order, they coordinate with the responding fire and rescue agency, the EOC, and others, to decide on locations to use as a Temporary Evacuation Point. The SBCSD will provide emergency alerts through the TENS platform and Ready SB County app to direct evacuees to the established Temporary Evacuation Points or shelters. These evacuation points will serve as temporary safe zones for evacuees and will provide basic needs such as food, water, and restrooms. Historical fires have not reached the City of Big Bear and the land uses along Big Bear Lake. In past fire events, the Incident Commander in partnership with the Red Cross have traditionally used local educational facilities as evacuation centers³. However, studies indicate that people generally resort to these evacuation centers only as a last option, mainly due to the absence of privacy and convenience⁴. Therefore, it is assumed that evacuees will likely head

³ BBFD, 2023. Press Releases: Radford Fire Update. <http://www.bigbearfire.org/homepage/press-releases/252-radford-fire-update> (accessed 09/14/23)

⁴ UC Berkeley, 2020. Review of California Wildfire Evacuations from 2017 to 2019 <https://tsrc.berkeley.edu/publications/review-california-wildfire-evacuations-2017-2019> (accessed 09/14/23)

toward the more urbanized center of the City of Big Bear Lake, where multiple lodging options are available, or to stay with family and friends.

Possible shelters and assembly areas that can provide at least short-term refuge and that would be designated by emergency managers during an evacuation near the Project include:

- Big Bear High School
- Big Bear Middle School

If there are occupants unable to evacuate or in need of transportation assistance to get to a TEP or shelter, the SBCSD or IC may establish transportation points to collect and transport people without transportation resources to evacuation points. These transportation points should be large, well-known sites such as shopping centers, libraries, and schools. Transportation should be accessible to all populations, including people with disabilities and other access and functional need.

Pet Evacuations: The Pets Evacuation and Transportation Standards Act of 2006 (defined in detail under the Regulatory Setting (**Subsection 4.3.3**)), below, amends the Stafford Act, and requires evacuation plans to consider the needs of individuals with household pets and service animals, prior to, during, and following a major disaster or emergency.

The San Bernadino County Animal Care, a subdivision of the County Department of Public Health, has plans in place to transport and shelter pets in a disaster under ESF 16 of the San Bernardino County Operational Area EOP. Domestic animals in need of housing will be accepted at and/or transported to animal shelters used by the Animal Control Unit. These may include County animal shelters and/or partner agency shelters. Animal Control will provide provisions for service animals at human shelters to include food, water, relief area identification and any other provisions needed to support the animal. Depending on the severity of the imminent or actual event, it may be necessary to prepare for and operate additional animal shelters. If American Red Cross shelters are open for human evacuees, a determination will be made regarding the feasibility of co-locating animals at shelters. In most cases, humans and animals (not including service animals) cannot be co-located at the same shelter site due to concerns with allergies, bites, etc. Service animals are permitted at human shelters at all times and in every circumstance. If colocation is an option, animal response teams will be dispatched to American Red Cross shelter sites and arrangements will be made to obtain emergency supplies and any specialized equipment needed to care for the animals.

If co-location is not an option, or if the animal is not a service animal, existing animal shelter sites will be utilized as noted above, the Animal Control Unit will provide for the pick-up and transport of animals from human shelter sites to animal shelter sites. Animals at shelter sites will be provided for with shelter, food, water and other necessary provisions. Animal Control has a professional system they use to identify and re-unify animals with their owners.

Shelter-In-Place (County EOP Discussion): As stated in the County EOP, sheltering-in-place advises people to stay secure at their current location. This tactic shall only be used if an evacuation will cause a higher potential for loss of life. Consideration should be given to assigning incident personnel to monitor the safety of citizens remaining in place. The concept of shelter-in-place is an available option in those instances where physical evacuation is impractical. This procedure may be effective for residential dwellings in the immediately impacted areas, or for large facilities that house a high percentage of non-ambulatory persons (e.g., hospitals and

convalescent homes). Sheltering-in-place attempts to provide a safe haven within the impacted area.

The decision on whether to evacuate or shelter-in-place is carefully considered with the timing and nature of the incident (San Bernadino County, 2018). Sheltering-in-place is the preferred method of protection for people that are not directly impacted or in the direct path of a hazard. This would reduce congestion and transportation demand on the major transportation routes for those that have been directed to evacuate by police or fire personnel. In the Project area, there are homes that were built in the 2000s, which are in varying states of ignition resistance. In these instances, responding fire and law enforcement personnel may not be able to direct existing occupants of such developments to temporarily refuge in their homes or on-site because these developments are not built to the ignition-resistant standards. Contrastingly, newer residential communities and residences would conform to the ignition-resistant building codes codified in Chapter 7A of the California Building Code, and would be ignition-resistant, defensible and designed to require minimal firefighting resources for protection, which would enable sheltering in place as a contingency option when it is considered safer than evacuation.

Ready, Set, Go!

The focus of the “Ready, Set, Go!” program (Appendix A of the Wildfire Evacuation Plan [Appendix 12, Volume 2 to this PRDEIR No. 3]) is on public awareness and preparedness, especially for those living and/or working in wildland-urban interface (WUI) areas. The program is designed to incorporate the local fire protection agency as part of the training and education process in order to ensure that evacuation preparedness information is disseminated to those who are subject to the potential impact from a wildfire. There are three components to the program:

- “READY” – Preparing for the Fire Threat: Take personal responsibility and prepare long before the threat of a wildfire so you and your home are ready when a wildfire occurs. Employees should assemble an emergency kit for their car. Confirm you are registered for Reverse 911, TENS, and the Ready SB App. Make sure all residents understand the plan, procedures and escape routes.
- “SET” – Situational Awareness When a Fire Starts: If a wildfire occurs and there is potential for it to threaten the Project site and surrounding communities, be ready to evacuate. Stay aware of the latest news from local media and your local fire department for updated information on the fire. If you are uncomfortable, leave the area.
- “GO!” – Leave Early! Leaving early, well before a wildfire is threatening the Project area, provides you with the least delay and results in a situation where, if a majority of neighboring developments also leave early, firefighters are now able to better maneuver, protect and defend structures, evacuate other occupants who couldn’t leave early, and focus on citizen safety.

“Ready, Set, Go!” is predicated on the fact that being unprepared and attempting to flee an impending fire late (such as when the fire is physically close to your community) is dangerous and exacerbates an already confusing situation.

4.3.3 Regulatory Setting

Federal, State, and local laws, regulations, plans, and guidelines that are applicable to the narrow focus of this analysis—wildfire evacuation risk—in relationship to the proposed project are summarized below.

4.3.3.1 Federal

Federal Emergency Management Agency

The Federal Emergency Management Agency (FEMA) is responsible for ensuring the establishment and development of policies and programs for emergency management at the federal, State, and local levels. This includes the development of a national capability to mitigate against, prepare for, respond to, and recover from a full range of emergencies.

Disaster Mitigation Act

The Disaster Mitigation Act of 2000 requires that a state mitigation plan, as a condition of disaster assistance, add incentives for increased coordination and integration of mitigation activities at the state level through the establishment of requirements for two different levels of state plans: "Standard" and "Enhanced." States that develop an approved Enhanced State Plan can increase the amount of funding available through the Hazard Mitigation Grant Program. The Disaster Mitigation Act also established a new requirement for local mitigation plans.

National Incident Management System

The National Incident Management System (NIMS) guides all levels of government, nongovernmental organizations and the private sector to work together to prevent, protect against, mitigate, respond to and recover from incidents. NIMS provides community members with a shared vocabulary, systems and processes to successfully deliver the capabilities described in the National Preparedness System. The National Preparedness System is a Presidential Policy Directive establishing a common goal to create a secure and resilient nation associated with prevention, protection, mitigation, response and recovery to address the greatest risks to the nation. One core area is fire management and suppression. NIMS defines operational systems that guide how personnel work together during incidents

Pet Evacuation and Transportation Standards Act

The Pets Evacuation and Transportation Standards Act of 2006 amends the Stafford Act, and requires evacuation plans to take into account the needs of individuals with household pets and service animals, prior to, during, and following a major disaster or emergency.

4.3.3.2 State

Fire Hazard Severity Zones

To assist each fire agency in addressing its responsibility area, California Department of Forestry and Fire (CAL FIRE) uses a severity classification system to identify areas or zones of severity for fire hazards within the state. CAL FIRE is required to map these zones for State Responsibility Areas and identify Very High Fire Hazard Severity Zones (VHFHSZ) for Local Responsibility Areas (LRAs). The Project is designated as a VHFHSZ within an SRA.

California Wildland-Urban Interface Code

On September 20, 2005, the California Building Standards Commission approved the Office of the State Fire Marshal's emergency regulations amending the California Building Code (CBC) (California Code of Regulations [CCR] Title 24, Part 2). Section 701A of the CBC includes regulations addressing materials and construction methods for exterior wildfire exposure and applies to new buildings located in State Responsibility Areas or Very High Fire Hazard Severity Zones in Local Response Areas.

California Fire Code

The 2022 California Fire Code (CCR Title 24, Part 9) establishes regulations to safeguard against the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety for and assistance to firefighters and emergency responders during emergency operations. The provisions of the Fire Code apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure throughout California. The Fire Code includes regulations regarding fire-resistance-rated construction, fire protection systems such as alarm and sprinkler systems, fire services features such as fire apparatus access roads, means of egress, fire safety during construction and demolition, and wildland-urban interface areas. The County has adopted the 2022 California Fire Code as Chapter 8.16, as amended, including appendices addressing fire-flow requirements for buildings.

California Emergency Services Act

The California Emergency Services Act (California Government Code §8550, et seq.), provides for the creation of an Office of Emergency Services, assign and coordinate functions and duties to be performed during an emergency, facilitate mutual aid, and assign resources (including manpower and facilities) throughout the state for dealing with any emergency that may occur.

California Office of Emergency Services

The California OES is responsible for the coordination of overall state agency response to disasters. Assuring the state's readiness to respond to, recover from all hazards and assisting local governments in their emergency preparedness, response, recovery and mitigation.

Standardized Emergency Management System

Standardized Emergency Management System (SEMS) is the cornerstone of California's emergency response system and the fundamental structure for the response phase of emergency management. The system unifies all elements of California's emergency management community into a single integrated system and standardizes key elements. SEMS incorporates:

- Incident Command System (ICS) - A field-level emergency response system based on management by objectives
- Multi/ Inter-agency coordination - Affected agencies working together to coordinate allocations of resources and emergency response activities
- Mutual Aid - A system for obtaining additional emergency resources from non-affected jurisdictions.
- Operational Area Concept - County and its sub-divisions to coordinate damage information, resource requests and emergency response.

Attorney General Guidance

The California Office of the Attorney General issued (October 2022) guidance (AG Guidance) outlining best practices for analyzing and mitigating wildfire impacts of development projects under the California Environmental Quality Act (CEQA). The Guidance is intended to help local governments' evaluation and approval considerations for development projects in fire-prone areas, and to help project design in a way that minimizes wildfire ignition and incorporates emergency access and evacuation measures. Importantly, the Guidance does not impose additional legal requirements on local governments, nor does it alter any applicable laws or regulations.

The AG Guidance states that evacuation modeling and planning should be required for all projects located in high FHSZ and VHFHSZ that present an increased risk of ignition and/or evacuation impacts. It further states that local jurisdictions should require evacuation modeling and planning to be developed prior to project approval to provide maximum flexibility in design modifications necessary to address wildfire risks and impacts. The Project is in an area designated as a VHFHSZ within a LRA and is adjacent to open space areas, which is why this Wildfire Evacuation Plan was prepared for the Project and includes the analysis of several evacuation scenarios, including existing and with Project conditions.

4.3.3.3 Local

San Bernardino County Emergency Operations Plan

The Emergency Management Program of San Bernardino County is governed and coordinated by the San Bernardino County Fire Protection District, Office of Emergency Services. The National Response Framework (NRF), NIMS, SEMS, and State of California Emergency Operations Plan provide planning and policy guidance to counties and local entities. These documents support the foundation for the County's Emergency Operations Plan (EOP), an all-hazard plan describing how the County will organize and respond to incidents. It is based on and compatible with the laws, regulations, plans, and policies listed above. The EOP describes how various agencies and organizations in the County will coordinate resources and activities with other Federal, State, County, local, and private-sector partners.

The 2018 San Bernadino County EOP describes a comprehensive emergency management system that provides for a planned response to disaster situations associated with natural disasters, technological incidents, terrorism, and nuclear-related incidents. It delineates operational concepts relating to various emergency situations, identifies components of the Emergency Management Organization, and describes the overall responsibilities for protecting life and property and providing for the overall well-being of the population. The plan also identifies the sources of outside support that might be provided (through mutual aid and specific statutory authorities) by other jurisdictions, state and federal agencies, and the private sector.

San Bernardino County Fire Protection District

The Project area receives fire and emergency response services from the San Bernardino County Fire Protection District (SBCFPD). The SBCFPD is responsible, on both the city and county level, for enforcing the State regulations governing hazardous waste generators, hazardous waste storage, and underground storage tanks, including inspections and enforcement. The SBCFPD also regulates the use, storage, and disposal of hazardous materials in San Bernardino County by issuing permits, monitoring regulatory compliance, investigating complaints, and other enforcement activities.

In addition to providing fire protection and emergency services, and provides emergency response, the SBCFPD also administers the local Fire Code which incorporates articles of the Uniform Fire Code (UFC). The UFC is a model code, setting construction standards for buildings and associated fixtures, in order to prevent or mitigate hazards resulting from fire or explosion. The SBCFPD reviews technical aspects of hazardous waste site cleanups, and oversees remediation of certain contaminated sites resulting from leaking underground storage tanks. The SBCFPD is also responsible for providing technical assistance to public and private entities which seek to minimize the generation of hazardous waste.

San Bernadino County Fire Code

The San Bernadino County Fire Code consists of the San Bernardino County Fire Protection District Ordinance No. FPD 23-01, which adopts by reference the 2022 California Fire Code with some changes, modifications, amendments, additions, deletions, exceptions and applicable sections of the CCR. Provisions of the California Fire Code are described under State Regulations, above.

San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan

The San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) is reviewed, monitored, and updated to reflect changing conditions and new information every five years. The purpose of the County's Multi-Jurisdictional Local Hazard Mitigation Plan (San Bernadino County, 2022) is to identify the County's hazards, review and assess past disaster occurrences, estimate the probability of future occurrences, and set goals to mitigate potential risks to reduce or eliminate long-term risk to people and property from natural and human-made hazards. The 2022 updated San Bernardino County Unincorporated Area MJHMP⁵ was approved by FEMA. The MJHMP presents updated information regarding hazards faced by the County, San Bernardino County Fire Protection District, San Bernardino County Flood Control District, Big Bear Valley Recreation and Parks District, Bloomington Recreation and Parks District, and those Board-governed Special Districts administered by the San Bernardino County Special Districts Department. The MJHMP also presents measures to help reduce consequences from hazards, as well as outreach/education efforts within the unincorporated area of the County since 2005. An important San Bernardino County Multi- Jurisdictional Hazard Mitigation Plan component is the Community Emergency Response Team (CERT), which educates community members about disaster preparedness and trains them in basic response skills, including fire safety.

San Bernadino County Building Code

The County's Building Code (Title 6, Division 3, Sections 63.0101 through 63.0105) is intended to regulate the construction of applicable facilities and encompasses (and formally adopts) associated elements of the California Building Code. Specifically, this includes regulating the "regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, use, height, area and maintenance of all structures and certain equipment therein."

San Bernardino County Fire Hazard Abatement (FHA) Program

To enhance wildfire prevention efforts, the San Bernardino County Fire Hazard Abatement (FHA) Program enforces fire hazard regulations outlined in San Bernardino County Code Section 23.0301–23.0319. The primary goal of this program is to proactively establish defensible space and reduce or remove flammable materials on properties, thus minimizing the risk of fires in communities.

Throughout the year, the Fire Hazard Abatement Program conducts property surveys to identify potential fire hazards. Once hazards are identified, property owners are sent notices to address the hazards within 30 days. Failure to comply may result in citations, penalties, and/or fees imposed by the County. The program is available year-round to respond to complaints in both unincorporated areas and contracting Cities and Fire Districts. The Moon Camp Project is within the San Bernadino County Fire District's Mountain Region, which receives one survey during the summer.

⁵ San Bernardino County, 2017. San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan. <http://www.sbcounty.gov/uploads/sbcounty/content/oes/pdf/hazard-mitigation-plan.pdf> (accessed 07/26/23)

4.3.4 Thresholds of Significance

The criteria used to determine the significance of impacts related to hazards and hazardous materials are based on Appendix G, Section IX, of the CEQA Guidelines. The proposed Project would result in a significant impact with respect to hazards or hazardous materials if the project would:

- f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

A discussion of the impacts and mitigation measures for the proposed project is presented below.

4.3.5 Methodology

The AG Guidance is intended to help local governments' evaluation and approval considerations for development projects in fire-prone areas, and to help project design in a way that minimizes wildfire ignition and incorporates emergency access and evacuation measures. Importantly, the Guidance does not impose additional legal requirements on local governments, nor does it alter any applicable laws or regulations.

The AG Guidance states that evacuation modeling and planning should be required for all projects located in high FHSZ and VHFHSZ that present an increased risk of ignition and/or evacuation impacts. It further states that local jurisdictions should require evacuation modeling and planning to be developed prior to project approval to provide maximum flexibility in design modifications necessary to address wildfire risks and impacts. The Project is in an area designated as a VHFHSZ within a LRA and is adjacent to open space areas, which is why this Wildfire Evacuation Plan was prepared for the Project and includes the analysis of several evacuation scenarios, including existing and with Project conditions.

The AG Guidance further states that evacuation modeling and analysis must augment existing information when necessary to include adequate analysis of the following, which has been extracted from the Wildfire Evacuation Plan prepared by Dudek, provided as Appendix 12, Volume 2 to this PRDEIR No. 3:

- Evaluation of the capacity of roadways to accommodate project and community evacuation and simultaneous emergency access.
 - Existing and future roadway capacities are analyzed in Section 4 of the Evacuation Plan, and under **Subsection 4.3.5, Potential Impacts**, herein.
- Assessment of the timing for evacuation.
 - Analysis of evacuation timing is detailed in Section 4.1 of the Evacuation Plan, and under **Subsection 4.3.5, Potential Impacts**, herein.
- Identification of alternative plans for evacuation.
 - Alternative plans for evacuation would be feasible due to the high ignition resistance level of Project structures.
- Evaluation of the Project's impacts on existing evacuation plans.
 - Existing evacuation plans do not exist for the area. The Project would utilize primary evacuation routes that would be available to other evacuees (refer to **Figure 4.3-3**). The Evacuation Plan is based on the County's Emergency Operations Plan.
- Consideration of the adequacy of emergency access, including the Project's proximity to existing fire services and the capacity of existing services.
 - Emergency access is provided that is consistent with the fire code requirements.

- Traffic modeling to quantify travel times under various likely scenarios (demonstrated on **Figure 4.3-5**).
 - The Wildfire Evacuation Plan utilizes a basic formula approach that is comprehensive but based on number of vehicles estimated within the Study Area, including the Project, and the current road capacities with and without the Project. Additionally, the Wildfire Evacuation Plan analyzes a cumulative with and without the Project scenario.

In consideration of the above, the AG Guidance encourages local jurisdictions to develop thresholds of significance for evacuation times based on community-wide standards. Any conclusion that an increase in evacuation times is a less than significant impact should be based on a threshold of significance that reflects community-wide goals and standards. Thresholds should also consider consistency with an adopted emergency operations or evacuation plan, a safety element updated to integrate wildfire and evacuation concerns, or recommendations developed by CAL FIRE relating to safety of subdivisions. However, there are no established thresholds for evacuation times for this Project or at the time of this plan's preparation, for any California community, to the knowledge of the authors of this PRDEIR No. 3. This is primarily because every location and fire scenario are unique. There is no evacuation timeframe threshold that Projects must meet in order to avoid a CEQA impact or to be consistent with codes, regulations or policies. This evacuation analysis forecasts impacts not based solely on a numerical threshold, but is qualitative in nature, based on the extent to which the Project would interfere with an adopted emergency response plan or emergency evacuation plan, if at all.

4.3.5.1 Evacuation Assumptions

The Wildfire Evacuation Analysis (Appendix 12, Volume 2) was performed for the Project to determine how long it would take for residents and visitors of the Moon Camp Project and the surrounding communities to evacuate to the developed areas of the City of Big Bear Lake in case of a fire emergency. Evacuation routes were selected based upon review of the Project's site, available evacuation routes, and the quickest way to leave areas located adjacent to the available vegetative fuels. Evacuations during large wildfire events would focus on removing threatened populations from the area, likely off the mountain. For this analysis, the model assumed a condition where the populations are directed to the developed areas of the City of Big Bear Lake, selecting the path requiring the least travel time. This location provides a significant buffer to the north/northeast with Big Bear Lake acting as a large fuel break. Current evacuation practice typically targets the scope of the evacuation only to the area in immediate danger and placing a larger area on standby for evacuation. This practice allows for better evacuation operations, reduces gridlock, and reserves sufficient travel way for emergency vehicles. It is assumed that first responders or law enforcement will direct traffic at all major downstream intersections during the evacuation process.

During the evacuation process, which can proceed aided by typical roadside vegetation management, wildfire spread, and encroachment may be slowed by fire-fighting efforts that would likely include fixed wing and helicopter fire-fighting assets. Hand crews would also be deployed toward containment. None of the evacuation scenarios assumed contraflow lanes, as these lanes are reserved for first responders, law enforcement, and fire fighters in case of unforeseen circumstances.

Since the Project is located amidst residential and recreation land uses, this examination assumes an evacuation directive on a Saturday afternoon when most Project and neighboring residents are expected to be at home. The estimation of vehicles evacuating from the Project's site was

derived by multiplying the number of households by the average vehicle ownership per household in the vicinity. Similarly, for the surrounding residential areas, the number of evacuating vehicles was determined using land use information from Parcel Quest parcel map data in conjunction with the average vehicle ownership data provided by the US Census Bureau. For a reasonable analysis, these scenarios assumed that two percent (2%) of the evacuating vehicles are heavy vehicles (trucks with trailers). Two percent is the nationally acceptable ratio of heavy vehicles to all vehicles.

Saturday Afternoon Evacuation: Full Operation, All Residents are Home

For this analysis, the scenario modeled presumes that the evacuation would transpire on a Saturday afternoon, a time when residents from the Project and nearby communities are home, meaning all residential vehicles would be required to evacuate. Additionally, it is assumed that the parking demand for nearby recreational land uses would be fully occupied, thus the vehicles associated with the recreational land uses would evacuate at the same time as the Project and other residential land uses. In an actual evacuation scenario, the total number of vehicles needing to evacuate may actually be less. The Operation Area commander would prioritize evacuation of land uses located closest to the area with immediate risk, depending on the location of the fire. Additional assumptions during a wildfire event are as follows:

1. The Operation Area commander would prioritize land uses located adjacent to the Wildland Urban Interface area or area with immediate risk, depending on the location of the fire.
2. Because wildfire may burn up to and within urban areas in the Project vicinity, for a conservative analysis, it is assumed that all of the areas shown in **Figure 4.3-4** would evacuate at the same time.
3. The analysis also operates under the assumption that the traffic to be evacuated would be directed to the developed areas of the City of Big Bear Lake, selecting the path requiring the least traffic time, and therefore the least travel time for evacuees to reach safety. It is assumed that the Project and surrounding land uses would utilize local thoroughfares including SR-38/North Shore Drive, Stanfield Cutoff, Big Bear Boulevard, using the path requiring the least travel time.

Primary Evacuation Routes

The traffic simulations assumed that traffic evacuating from both the Project and nearby communities/land uses would use the closest evacuation routes to leave the area. Evacuation routes were selected based upon review of the Project's site, available evacuation routes, and the quickest way to leave areas located adjacent to the available vegetative fuels. Evacuations during large wildfire events would focus on removing threatened populations from the area, likely off the mountain. For this analysis, the model assumed a condition where the populations are directed to the developed areas of the City of Big Bear Lake, selecting the path requiring the least travel time. This location provides a significant buffer to the north/northeast with Big Bear Lake acting as a large fuel break. Based on Google's traffic data for a typical Saturday afternoon, the fastest evacuation route for traffic from the Project and areas A through C (**Figure 4.3-4**) would be to head east on SR-38/North Shore Drive and then proceed towards the City of Big Bear Lake via Stanfield Cutoff and Big Bear Boulevard. Conversely, the quickest route for Area D (**Figure 4.3-4**) would be to head southwest via North Shore Drive and Big Bear Boulevard. The Google travel time assessment is provided in Attachment A of Appendix C of the Wildfire Evacuation Plan (Appendix 12, Volume 2). This assumption selects a reasonable evacuation route for the assumed extreme weather scenario.

No contraflow⁶ lanes were assumed to provide access for first responders and law enforcement. Two-way travel was assumed, with evacuating vehicles traveling outbound to the designated Safe Zone. It is assumed that first responders or law enforcement will direct traffic at all major intersections during the evacuation process. Should evacuation managers determine that contraflow is preferred or necessary, evacuation capacity would increase and correspondingly, evacuation times would decrease.

The traffic simulations carried out by CRA were carried forth independent of the Traffic Analyses prepared by Urban Crossroads in 2007 (Appendix E of the RRDEIR No. 1, provided as Appendix 3, Volume 2 to this PRDEIR No. 3), and in 2018 (Appendix M of the 2020 FEIR, provided as Appendix 1, Volume 2 to this PRDEIR No. 3). This is because, as stated above, it is assumed that first responders or law enforcement will direct traffic at all major intersections. While the traffic improvements are necessary to minimize off-site traffic impacts from implementation and operation of the proposed Project, enforced by MM T-1, T-2, and T-3, during normal traffic conditions, they are not applicable to the Wildfire Evacuation Analysis and traffic simulations therein that represents traffic conditions under special circumstances, i.e. that which would be expected to occur in the event of a wildfire evacuation.

Safe Zone

Based on Dudek's review of the area's fire history⁷, fires have halted along areas adjacent to wildland fuels and have not historically progressed into the more densely urbanized, irrigated, and hardscaped areas. Specifically, none of the historical fires encroached beyond the periphery areas within the wildland urban interface area of the City of Big Bear Lake and the land uses along the Big Bear Lake shoreline. Thus, it is assumed that evacuees are considered to reach a safe area once they are within the more developed areas, such as the City of Big Bear Lake.

4.3.6 Potential Impacts

The analysis addresses the potential for the Moon Camp Project to interfere with an adopted emergency response plan. The impact is assessed in terms of the applicable regulatory requirements, and mitigation measures are identified as appropriate.

a) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

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

⁶ Contraflow or lane reversal involves directing traffic to use lanes coming from the source of a hazard to move people away from the hazard. Such a strategy can be used to eliminate bottlenecks in communities with road geometries that prevent efficient evacuations or to facilitate traffic flow out of a major urban area. Among the considerations in planning emergency contraflow are whether sufficient traffic control officers are available, potential negative impact on responding fire apparatus, access management, merging, exiting, safety concerns, and labor requirements. Contraflow configurations must be carefully planned based on on-site factors and should not be implemented in an *ad-hoc* fashion. Dudek July 2014. "Wildland Fire Evacuation Procedures Analysis" for City of Santa Barbara, California, page 65.

⁷ 2022 Radford Fire, 2017 Holcomb Fire, others. An unnamed 1987 fire did burn into the Baldwin Lakes area destroying 5 homes, but they were of older construction and water wasn't available for firefighting in the area at that time.

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. Although not a designated shelter-in-place site, Project structures include the same level of ignition resistance (e.g., enhanced construction materials) and landscape maintenance (e.g., annual FMZ inspection), that would be defensible against the anticipated wildfire exposure, and are designed to require minimal resources for protection, which enables this contingency option.

The Project roads and adjacent road circulation system will be able to effectively handle average daily trips generated by the Project. As evidenced by mass evacuations in San Bernadino and elsewhere, even with roadways that are designed to the code requirements, it may not be possible, or even necessary to move large numbers of persons at the same time. As stated above, road infrastructure throughout the United States, and including in the Big Bear region, is not designed to accommodate a short-notice, mass evacuation. The need for evacuation plans, pre-planning, and tiered or targeted and staggered evacuations becomes very important for improving evacuation effectiveness.

Among the most important factors for successful evacuations in populated settings is control of intersections downstream of the evacuation area. The Wildfire Evacuation Plan defers to Law Enforcement and EOC to appropriately phase evacuations and to consider the vulnerability of communities when making decisions. For example, newer development in the area, including the Project, will offer its occupants a high level of fire safety on-site, along with options for firefighter safety zones and temporary on-site refuge as a contingency, as discussed further below.

Under **Subsection 4.3.2.3.1: Moon Camp Project Wildfire Evacuation Plan and San Bernardino County Evacuation Planning**, the P.A.C.E evacuation model is discussed. In **Table 4.3-1** below, the Moon Camp Project approach to the P.A.C.E evacuation model is summarized.

**Table 4.3-1
P.A.C.E. EVACUATION PLAN FOR MOON CAMP PROJECT**

<p>1. Primary: Project will evacuate via the primary evacuation route(s) early after receiving evacuation notice utilizing the primary evacuation route(s) as directed by law enforcement/emergency managers.</p>
<p>2. Alternate: Project will follow evacuation instructions which may include an alternate plan to utilize secondary routes or to relocate to nearby urban areas based on congested traffic conditions. Notifications that this alternate plan is being implemented will be provided via the notification systems or on-site emergency personnel, media and social media.</p>
<p>3. Contingency: Due to primary and alternate options being compromised or undesirable, the contingency plan of evacuating smaller, highest vulnerability populations will be implemented. For the Project, this may include evacuating until direction is provided to cease evacuation and initiate on-site sheltering of a smaller on-site population.</p>
<p>4. Emergency: When the wildfire or other emergency dictates that off-site evacuation is not advised by the primary or alternate evacuation routes, and conditions are such that open air exposure would be unhealthy or unsafe, the Moon Camp population will be directed to shelter in place. Sheltering in place is possible due to the ignition resistant construction materials and irrigated landscape that creates a fire hardened development. Sheltering in place may also be the preferred option for other emergencies, e.g., active shooter, earthquake. Persons sheltering in place are advised to remain aware of the situation and move out of the building to a designated safe zone if directed to do so or otherwise necessitated.</p>

Evacuation Scenarios Modeled

A total of seven evacuation scenarios were analyzed for each fire scenario: Fire encroaching on the Project from the north/east and fire encroaching on the Project from the west. The evacuation

modelling for a fire encroaching from the west assumed that all evacuation zones including Area D would utilize eastbound evacuation routes.

- **Scenario 1 – Existing Land Uses:** This scenario estimates the evacuation time for existing land uses within the study area (Area A through D), reference **Figure 4.3-4**. 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)⁸ 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.

Evacuating Vehicles Assumptions

The number of evacuating vehicles was calculated using the following assumptions:

- Project and nearby Residential land uses: Residential units x average vehicle ownership (2 vehicles per household)
- Recreational land uses: Full occupancy of parking lots
- RV resorts: Full occupancy of parking lots and site.

Average vehicle ownership, residential units, and evacuating vehicles calculations are provided in Attachment A of Appendix C of the Wildfire Evacuation Plan (Appendix 12, Volume 2). **Table 4.3-2** displays the number of vehicles evacuating under each scenario.

⁸ Source: Moon Camp Focused Traffic Impact Assessment, Urban Crossroad, 2018.

**Table 4.3-2
EVACUATING VEHICLES**

Scenario	Number of Evacuating Vehicles					
	Nearby Land Uses (Area)				Project	Total
	A	B	C	D		
Scenario 1 – Existing Land Uses	112	380	394	1,425	0	1,425
Scenario 2 – Proposed Project Only	0	0	0	0	100	100
Scenario 3 – Existing Land Uses with Proposed Project	112	380	394	1,425	100	1,525
Scenario 4 – Existing Land Uses with Cumulative Projects	120	400	420	1,790	0	1,790
Scenario 5 – Existing Land Uses with Cumulative Projects with the proposed Project	120	400	420	1,790	100	1,890
Scenario 6 - Existing Land Uses with Cumulative Projects (Area D only)	0	0	0	1,790	0	1,790
Scenario 7 - Existing Land Uses with Cumulative Projects with Project (Area D only)	0	0	0	1,790	200	1,990

Source: Appendix C of the Wildfire Evacuation Plan (CR Associates [2023]), US Census Bureau (2023), Google Maps (2023).

Potential Project Evacuation Impacts on Existing Conditions

The potential occurrence of a simultaneous, large evacuation event, including evacuation of a large area of existing populations is minimal, but possible. In this case, the existing populations for potential evacuation in the area would be associated with a variety of populations including residential, recreational, and other uses. To analyze the evacuation events, CR Associates (CRA) conducted simulations using Vissim, a microscopic, multimodal traffic flow modeling software used to simulate different traffic conditions. In Vissim simulations, roadway capacity is accounted for and each vehicle in the traffic system is individually tracked through the model and comprehensive measures of effectiveness, such as average vehicle speed and queueing, are collected on every vehicle during each 0.1-second of the simulation. This software enables drivers’ behaviors during an evacuation to be replicated. A total of 20 simulations were conducted to yield a reasonable sample size to determine the performance of the study area roadways and impacts during evacuation scenarios. To be conservative, CRA assumed a worst-case scenario in which all vehicles belonging to households in the study area would be used in the evacuation, instead of the necessary number of vehicles needed to evacuate the impacted population. Detailed evacuation analysis information is provided in Attachment B of Appendix C, to the Wildfire Evacuation Plan provided as Appendix 12, Volume 2 to this PRDEIR No. 3.

Based upon review of previous fires and evacuation orders, evacuation modeling considered traffic evacuating from both the Project and nearby developments. A summary of the evacuation time for each scenario is provided below, and shown in **Table 4.3-3**:

- **Scenario 1:** It would take between 37 minutes and 1 hour and 23 minutes to evacuate the existing land uses (Areas A through D).
- **Scenario 2:** It would take 25 minutes to evacuate only the proposed Project occupants. Existing land uses are not considered in the scenario.
- **Scenario 3:** It would take between 37 minutes and 1 hour and 23 minutes to evacuate the existing land uses and the proposed Project. Under this scenario, the Project would not cause an increase in evacuation time to area D, and the Project would cause an increase of 5 minutes to area A and 2 minutes to area B. It would take 52 minutes to evacuate the Project’s site.

- **Scenario 4:** It would take between 38 minutes and 1 hour and 39 minutes to evacuate the nearby land uses under the cumulative growth scenario.
- **Scenario 5:** It would take between 39 minutes and 1 hour and 39 minutes to evacuate the nearby and Project area land uses under the cumulative growth with Project scenario. Similar to Scenario 3, the Project would cause an increase of 6 minutes to area A evacuation time and an increase of 2 minutes to area B evacuation time. It would take 54 minutes to evacuate the Project’s site.
- **Scenario 6:** It would take 1 hour and 40 minutes to evacuate Area D, assuming that all of Area D evacuate eastward via North Shore Drive, then southward via Stanfield Cutoff to arrive at the City of Big Bear.
- **Scenario 7:** It would take 1 hour and 42 minutes to Evacuate Area D, an increase of 2 minutes, and 26 minutes to evacuate the Project.

**Table 4.3-3
EVACUATING TIME SUMMARY: ALL SCENARIOS**

Scenario	Total Evacuation Vehicles	Evacuation Time (hours : minutes)				
		Nearby Land Uses				Project
		A	B	C	D	
Scenario 1 – Existing Land Uses	1,425	0:48	0:38	0:37	1:23	N/A
Scenario 2 – Proposed Project Only	100	N/A	N/A	N/A	N/A	0:25
Scenario 3 – Existing Land Uses with Proposed Project	1,525	0:53	0:40	0:37	1:23	0:52
Change in Evacuation Time - Existing Condition (Scenario 3 – Scenario 1)	-	0:05	0:02	0:00	0:00	0:52
Scenario 4 – Existing Land Uses with Cumulative Projects	1,790	0:50	0:41	0:38	1:39	N/A
Scenario 5 – Existing Land Uses with Cumulative Projects with the proposed Project	1,890	0:56	0:43	0:38	1:39	0:54
Change in Evacuation Time – Existing with Cumulative Projects (Scenario 5 – Scenario 3)	-	0:06	0:02	0:00	0:00	0:54
Scenario 6 - Existing Land Uses with Cumulative Projects (Area D only)	1,790	N/A	N/A	N/A	1:40	N/A
Scenario 7 - Existing Land Uses with Cumulative Projects with Project (Area D only)	1,990	N/A	N/A	N/A	1:42	0:26
Change in Evacuation Time – Existing with Cumulative Projects Area D only (Scenario 5 – Scenario 3)	-	N/A	N/A	N/A	0:02	0:26

Source: Appendix C of the Wildfire Evacuation Plan (CR Associates [2023])

As noted in **Table 4.3-3**, Project related impacts to existing community evacuation times are considered insignificant with the maximum potential increased evacuation time occurring within Land Use A (Scenario 1 compared to Scenario 3) of 5 minutes. Under the cumulative scenarios (Scenario 4 compared to Scenario 5), the Project’s greatest impact is to Land Use A, increasing evacuation time 6 minutes, with a 2-minute increase to Land Use B and no increase for Land Use C or Land Use D. Additionally, the Project does not contribute to a substantial increase in evacuation times for Land Use D under the cumulative scenarios that include an evacuation order

for Area D only, as indicated with a minor increase in evacuation time by 2 minutes (Scenario 6 compared to Scenario 7).

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. As this analysis focuses on the increases in evacuation times, specific to the traffic simulations and evaluation prepared by CRA, the circulation improvements determined to be necessary in the 2020 FEIR, and enforced by MMs **T-1** through **T-3**, are applicable to normal traffic conditions (i.e. day-to-day traffic circumstances barring any natural disasters, such as wildfires, in which law enforcement and first responders step in to manage circulation), and are not necessary conditions to minimize evacuation circulation impacts; however, implementation of MMs **T-1** through **T-3** would only serve to further minimize traffic conflicts during both normal and evacuation conditions, as the intent of these measures is to enhance circulation to a level of less than significant.

The minimal increase in evacuation time due to the proposed Project is determined to be insignificant when incorporating the thousands of recreationalists who visit the region and contribute to increased evacuation times. The Project's resident population would be considered a small relative increase to the region's visitor and resident population.

Additionally, it is possible that all evacuees would be instructed to evacuate off the mountain during certain large fires threatening the Big Bear region. In this type of scenario, it is likely that many people from the greater region would be evacuating, unless told they cannot pass through evacuation roadways. Wildfires requiring off mountain evacuations would likely be driven by distant wildfires approaching the region that would likely provide sufficient time (multiple hours to days) to move evacuees off the mountain. As detailed above, in the event of a mass evacuation off the mountain, the Project would not significantly contribute to the overall evacuation traffic in the study area.

Study of evacuation timeframes and potential increases in evacuation time with a proposed project are relatively new CEQA focus areas. Public safety, not time, is generally the guiding consideration for evaluating impacts related to emergency evacuation. Consistent with CEQA Guidelines Appendix G, a Project's impact on evacuation is significant if the Project will significantly impair or physically interfere with implementation of an adopted emergency response or evacuation plan.

In any populated area, safely undertaking large-scale evacuations may take several hours or more and require moving people long distances to designated areas. Further, evacuations are fluid and timeframes may vary widely depending on numerous factors, including, among other things, the number of vehicles evacuating, the road capacity to accommodate those vehicles, residents' awareness and preparedness, evacuation messaging and direction, and on-site law enforcement control. The AG Guidance suggests that jurisdictions set benchmarks of significance based on past successful evacuations or on those from communities in similar situations.

A recent study titled "Review of California Wildfire Evacuation from 2017 to 2019 " provides more insights on the topic. This research involved interviews with 553 individuals (297 evacuees affected by various fires) including the Creek Fire, Rye Fire, Skirball Fire, and Thomas Fire. The study aimed to understand the decision-making processes of these individuals during the fires,

such as whether to evacuate or stay, when to leave, the paths taken, chosen shelters, destinations, and modes of transportation. According to this research, the time it took for evacuations ranged from under 30 minutes to over 10 hours. From this dataset, the average evacuation time for the Creek Fire was found to be 3 hours and 40 minutes, involving 115,000 people. For the Thomas Fire, the average time was 4 hours and 25 minutes, impacting 104,607 individuals.

California fire and law enforcement agencies have integrated training, experience, and technology to assist in successful evacuations, which focus on moving persons at risk to safer areas before a wildfire encroaches on a populated area. Timeframes for moving people vary by site specifics, population, road capacities and other factors and there is no one threshold that would be appropriate to apply to all locations. There are no established thresholds for evacuation times for this Project or at the time of this plan's preparation, for any California community, to the knowledge of the authors of this PRDEIR No. 3. This is primarily because every location and fire scenario are unique. While it may take one community 20 minutes to evacuate safely, it is not a valid assumption to consider a 3-hour evacuation for another community as unsafe. The 3-hour evacuation can be very safe while the 20-minute evacuation may be unsafe due to the conditions and exposures along the evacuation routes.

Notwithstanding evacuation challenges and variables, the County of San Bernardino is safely managing both mass and targeted evacuations to great success. It should be noted that other variables can impact evacuation success. For instance, some individuals may choose to stay behind to defend their property or adopt a wait-and-see approach. Such decisions could delay their evacuation to a point where it becomes too late to leave safely.

Technological advancements and improved evacuation strategies learned from prior wildfire evacuation events have resulted in a system that is many times more capable of managing evacuations. With the technology in use today, evacuations are more strategic and surgical than in the past, evacuating smaller areas at highest risk and phasing evacuation traffic so that it flows more evenly and minimizes the surges that may slow an evacuation. Mass evacuation scenarios where large populations are all directed to leave simultaneously, resulting in traffic delays, are thereby avoided, and those populations most at risk are able to safely evacuate. While mass evacuation scenarios are avoided with the technology in use today, the evacuation simulations conducted in the Wildfire Evacuation Plan (Appendix 12) are based on mass evacuation scenarios to provide a worst-case scenario.

As indicated previously, the evacuation scenarios considered herein represent mass evacuations in the project vicinity to provide extremely worst-case scenarios. In a probable evacuation scenario, individuals in the existing surrounding land uses would have the opportunity to evacuate before the users of the Project even reach their vehicles in the parking structures, thereby giving priority to the existing land uses. The Incident Commander would direct a focused evacuation of zones situated near the wild urban interface, which are at higher risk. Areas that are not in immediate danger would likely not be provided with an evacuation notice initially and may be instructed to remain in place to prioritize the evacuation of vehicles from areas under direct threat. This would result in phasing evacuation traffic so that it flows more evenly and minimizes the surges that may slow an evacuation. Therefore, evacuation flow would be able to be effectively managed and would not likely lead to mass evacuations, as simulated in this report.

Neither CEQA, nor San Bernardino County has adopted numerical time standards for determining whether an evacuation timeframe is appropriate. Public safety, not time, is generally the guiding

consideration for evaluating impacts related to emergency evacuation. The County considers a Project's impact on evacuation significant if the Project will significantly impair or physically interfere with implementation of an adopted emergency response or evacuation plan.

San Bernardino County has historically had an extremely high success rate for safely evacuating large numbers of people and doing so in a managed and strategic way using available technological innovations. Safely undertaking large-scale evacuations may take several hours or more and require moving people long distances to designated areas. Further, evacuations are fluid and timeframes may vary widely depending on numerous factors, including, among other things, the number of vehicles evacuating, the road capacity to accommodate those vehicles, residents' awareness and preparedness, evacuation messaging and direction, and on-site law enforcement control.

Due to its location, the Project would also provide the responding emergency managers (e.g., Incident Commander, SBCSD) the alternative option of recommending that all or a portion of the onsite population shelter in place. This on-site sheltering option is a contingency plan, but an important option in the scenario when evacuation is considered infeasible or the less safe option. This would provide emergency managers with a safer alternative to risking a late evacuation.

The communities adjacent to the proposed Moon Camp Project include homes built in the 2000s and are in varying states of ignition resistance. Unlike most new master planned communities that incorporate ignition-resistant construction and provide defensibility throughout, responding fire and law enforcement personnel may not be able to direct existing occupants of neighboring developments to temporarily refuge in their homes or on-site. However, it would be possible for occupants of Moon Camp Project. Developments that are not built to the ignition-resistant standards can be retrofitted to increase their ability to withstand wildfire and ember storms by focusing on roofs, windows, walls, vents, appendages and defensible space. Attention to these components of a home's fire protection system is recommended for existing home and business owners within the Project Area. The structures within the Project site would conform to the ignition-resistant building codes codified in Chapter 7A of the California Building Code, would be ignition-resistant, defensible and designed to require minimal firefighting resources for protection, which enables this contingency option when it is considered safer than evacuation.

Based on the Project area's fire environment, its fuels and terrain along with weather factors, wildfire spread rates during extreme fire events are anticipated to be less aggressive than in heavy fuel, steep terrain locations. If ignitions occur near the site, then less time would be available for evacuation, and would need to include an alternative approach if the evacuation routes were considered less safe. Based on the results of this comparison, safe evacuation of the site is possible in all modeled scenarios. Certain scenarios noted above are projected to potentially use alternative actions, like focusing all evacuating vehicles to one of the three available routes and in one example, considering the possibility of a delayed evacuation where parts of the population could be directed to remain on-site until the fire burns out in the sparse fuels around the evacuation route, and then evacuated through evacuation corridors. However, the Project is considered to be well-suited for evacuations given the three potential separate evacuation routes and the alternative option of temporarily seeking refuge on-site in the wide, converted landscapes that would not readily facilitate wildfire spread.

The Project provides several features that would enhance orderly and safe evacuation, but which are not reflected in the average evacuation time results above. These features include evacuation preparedness, fuel modification along Project roadways, structural hardening of Project

structures, and temporary refuge areas and “shelter-in-place”⁹ options. These evacuation enhancements would reduce the potential for evacuation friction or interruption. However, such enhancements cannot be well depicted by the traffic evacuation model.

Mass Evacuation Vehicle Traffic

Mass evacuation events have become less common as wildfire evacuation technology and capabilities have improved dramatically in the last 15 years. Wildfire evacuations are managed to move smaller populations in a successive phasing to minimize traffic surges. Populated areas are evacuated in phases based on proximity to the event and risk levels. For example, it is anticipated that wildfire evacuations of the Project area will likely include the relocation of residential populations that are closest to open space, along with residents and visitors of the Project first, and then additional populations based on exposure to the wildfire in successive fashion rather than mass evacuating the entire Big Bear area. The Project is built to ignition resistant standards and represents fire-safe fuel breaks that provide emergency managers many options. The result of this type of evacuation is that residents and visitors that may be in locations that would be closest to a wildfire burning in open space areas are temporarily moved from the vicinity and vehicle congestion on evacuation routes is minimized, enabling a more efficient evacuation. Under this evacuation approach, the evacuation would include a much smaller population and would be implemented in a surgical way. The evacuation time would be even lower than that which is projected in **Table 4.3-3**, above, and would have very little impact on the existing communities.

Phased Evacuation: The purpose of a phased evacuation is to reduce congestion and transportation demand on designated evacuation routes by controlling access to evacuation routes in stages and sections. This strategy can also be used to prioritize the evacuation of specific populations that are in proximity to the immediate danger. A phased evacuation effort will need to be enforced by law enforcement agencies and coordinated with the EOC and affected jurisdictions.

The Department of Homeland Security (2019) provides supporting data for why jurisdictions have moved to the surgical evacuation approach that leverages the power of situation awareness to support decision making. According to its *Planning Considerations: Evacuation and Shelter in Place*¹⁰ document, delineated zones provide benefits to the agencies and community members. Evacuation and shelter-in-place zones promote phased, zone-based evacuation targeted to the most vulnerable areas, which allows jurisdictions to prioritize evacuation orders to the most vulnerable zones first and limit the need to evacuate large areas not under the threat. Zones help:

- Jurisdictions to understand transportation network throughput and capacity, critical transportation and resource needs, estimated evacuation clearance times, and shelter demand.
- Planners to develop planning factors and assumptions to inform goals and objectives.
- Community members to understand protective actions to take during an emergency.
- Shelters to limit traffic congestion and select locations suitable for the evacuated population.

The amount of time needed to evacuate the Project would vary by the type of incident, the number of evacuation routes utilized, the amount of mobilization time, actual areas at risk, and other

⁹ Shelter-in-place involves the use of a structure, including homes, to temporarily separate individuals from a hazard or threat, and is implemented when a hazard or threat is imminent or occurring and a safe evacuation is not feasible.

¹⁰ Department of Homeland Security, 2019. *Planning Considerations: Evacuation and Shelter in Place*
<https://www.fema.gov/sites/default/files/2020-07/planning-considerations-evacuation-and-shelter-in-place.pdf>
(accessed 08/02/23)

factors. It has also been established herein that the targeted approach would minimize the size of the area being evacuated and use a phased approach, which may further reduce the evacuation time estimates.

There is no evacuation timeframe threshold that Projects must meet in order to avoid a CEQA impact or to be consistent with codes, regulations or policies. Regardless, the Project has provided a comprehensive evacuation evaluation, and the evacuation time results are comparable to similar sized populations under a mass evacuation.

Further, any additional time does not necessarily generate a greater safety risk. Emergency personnel who issue evacuation orders can consider the additional time needed to implement an evacuation when determining when and where to issue evacuation orders. Risk to nearby development, including the Project or existing communities, is assessed on a regular basis in a wildfire event. Hours or days of lead time may be available to assess risk and make evacuation determinations. Further, peak occupancy conditions like those assumed in the modeling typically do not occur as all residents are not typically at home while maximum occupancy at industrial, commercial and office uses is also occurring. Further, drifting smoke, awareness of the risk, road closures, or other factors result in people avoiding the area in a fire event. Additionally, the Project is designed to allow people to shelter-in-place or take temporary refuge within the Project site, which could reduce evacuating traffic from the site.

The potential occurrence of a large evacuation event including evacuation of existing populations is minimal, but possible. In this case, the existing populations for the Project would be existing residential recreational uses to the east and west. During a large wildfire moving from north to south or east to west, it is most likely, that evacuations would be directed to the developed areas of the City of Big Bear Lake, depending on the fire location and movement. The vehicle capacity estimates utilized for this evacuation plan are based the current Highway Capacity Manual methodology for calculating adjusted saturation flow rates and are discounted for various assumed traffic-related slowing, such as higher volume and downstream bottlenecks. Therefore, the discounted vehicle capacity includes capability to absorb additional vehicles.

In an actual evacuation scenario, a phased evacuation would be implemented where orders are given to evacuate based on vulnerability, location, and/or other factors, which enables the subsequent traffic surges on major roadways to be smoothed over a longer time frame and improve traffic flow. A phased strategy can also be used to prioritize the evacuation of certain communities that are in proximity to immediate danger. The limitations of the model used for this analysis are such that it cannot accurately reflect phased evacuation conditions. Hence, a worst-case mass evacuation scenario was assumed.

The Wildfire Evacuation Plan assumes that law enforcement personnel are controlling downstream intersections to maintain traffic flow out of the area. If traffic flow is not maintained, then the estimated evacuation times would be expected to increase, potentially substantially, as is the case in any urban area. Additionally, this analysis assumes that all existing populations within the Project area and the Project are evacuating simultaneously.

Typically, fire and law enforcement officials will identify evacuation points before evacuation routes are announced to the public. Evacuation routes are determined based on the location and extent of the incident and its spread rate and direction and include as many pre-designated transportation routes as possible. However, field conditions and shifting fire behavior may result in real-time changes to predetermined routes. Having additional evacuation route options is

considered critical in these conditions. Evacuees are considered to reach a safe area once they are within the more densely urban areas, such as the developed areas within the City of Big Bear Lake.

Evacuation Procedures

Relocation/Evacuation

It is estimated that the conservatively calculated minimum amount of time needed to move the existing and Project populations to urbanized and/or designated evacuation areas would be approximately up to 1 hour and 39 minutes under varying constraints that may occur during an evacuation. This does not include additional allowances for the time needed to detect and report a fire, for fire response and on-site intelligence, for phone, patrols, and aerial based notifications, and for notifying special needs citizens.

Wolshon and Marchive (2007) simulated traffic flow conditions in a computer derived WUI under a range of evacuation notice lead times and housing densities. To safely evacuate more people, they recommended that emergency managers (1) provide more lead time to evacuees and (2) control traffic levels during evacuations so that fewer vehicles are trying to exit at the same time.

Wildfire emergency response procedures will vary depending on the type of wildfire and the available time in which decision makers (IC, BPD, SBCFPD, CAL FIRE, SBCSD, and/or EMD) can assess the situation and determine the best course of action.

First and Primary Evacuation Type: Based on the Moon Camp Project and surrounding communities, its road network, and the related fire environment, the first and primary type of evacuation envisioned is an orderly, pre-planned evacuation process where people are evacuated to more urban areas further from an encroaching wildfire (likely to urban areas west) well before fire threatens. This type of evacuation must include a conservative approach to evacuating; i.e., when ignitions occur and weather is such that fires may spread rapidly, evacuations should be triggered on a conservative threshold that includes time allowances for unforeseen, but possible, events that would slow the evacuation process.

Second Evacuation Type: The second type of evacuation is considered by many to offer the highest level of life protection to the public, but it can result in evacuees being placed in harm's way if the time available for evacuation is insufficient (Cova et al. 2011). An example of this type of evacuation, which is highly undesirable from a public safety perspective, is an evacuation that occurs when fire ignites close to vulnerable communities. This type of situation is inherently dangerous because there is generally a higher threat to persons who are in a vehicle on a road when fire is burning in the immediate area than in a well-defended, ignition-resistant home. Conditions may become so poor that the vehicle drives off the road or crashes into another vehicle, and flames and heat overcome the occupants. A vehicle offers little shelter from a wildfire if the vehicle is situated near burning vegetation or catches fire itself. This type of evacuation must be considered a very undesirable situation by law and fire officials in all but the rarest situations where late evacuation may be safer than seeking temporary refuge in a structure (such as when there are no nearby structures, the structure[s] is/are already on fire, or when there is no other form of refuge). Temporary refuge would be possible within the newer Project structures that are built to ignition resistant levels, but some structures within surrounding communities, as previously discussed, may have a higher vulnerability to ignitions based on their older construction dates and the fire and building codes enforceable at that time.

Third Evacuation Plan: The third potential type of evacuation is a hybrid of the first two. In cases where evacuation is in process and changing conditions result in a situation that is considered unsafe to continue evacuation, it may be advisable to direct evacuees to pre-planned temporary refuge locations, including their own home if it is ignition-resistant and defensible, such as those within Moon Camp Project. As with the second type of evacuation discussed above, this situation is considered highly undesirable, but the evacuation pre-planning must consider these potential scenarios and prepare decision makers at the IC level and at the field level for enacting a contingency to evacuation when conditions dictate.

Indications from past fires and related evacuations, in San Bernadino County and throughout Southern California, which have experienced increasingly more frequent and larger fires, are that evacuations are largely successful, even with a generally unprepared populace. It then stands to reason that an informed and prepared populace would minimize the potential evacuation issues and related risk to levels considered acceptable from a community perspective.

Evacuation orders or notifications are often triggered based on established and pre-determined model buffers, which are based on topography, fuel, moisture content of the fuels and wind direction. Evacuations are initiated when a wildfire reaches or crosses one of these pre-determined buffers. Evacuations can also be very fluid. The IC, law enforcement and OES would jointly enact evacuations based on fire behavior.

Project Evacuation Baseline

For purposes of this analysis and the Wildfire Evacuation Plan, the first and most logical choice for all the occupants within the boundaries of Moon Camp Project is to adhere to the principles and practices of the “Ready, Set, Go!” Program previously mentioned in this document. As part of this program, it is important that educational and training programs, organized by Owner(s)/Property Manager/Homeowners Association (HOA), are available to all residents. In addition, it is imperative that the “Ready, Set, Go!” program information be reviewed on a routine basis along with the accompanying maps illustrating evacuation routes, temporary evacuation points and pre-identified evacuation points. It must be kept in mind that conditions may arise that will dictate a different evacuation route than the normal roads used on a daily basis.

Residents are urged to evacuate as soon as they are notified to do so or earlier if they feel uncomfortable. Directions on evacuation routes will be provided in most cases, but when not provided, residents and of the Project will proceed according to known available routes away from the encroaching fire, as detailed in the Quick Reference section of the Wildfire Evacuation Plan. Occupants are cautioned not to rely on navigation aid apps which may inadvertently lead them toward an oncoming fire. Depending on the type of emergency and the resulting evacuation, it could take approximately up to 1 hour and 39 minutes to complete an evacuation of the Project Area, based on road capacities and competing use of the roads by occupants from other areas.

Note that, during construction, continued coordination by the Owner(s) and/or Developer and/or Property Manager and fire/law enforcement agencies would need to 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. Otherwise, a significant impact could occur during construction. MM **HAZ-2**, below, addresses the need to update the Wildfire Evacuation Plan during construction based on the existing conditions of the site.

Conclusion

As stated above, it is estimated that the conservatively calculated minimum amount of time needed to move the existing, planned (future/cumulative) and Project populations to urbanized and/or designated evacuation areas would be approximately up to 1 hour and 42 minutes under varying constraints that may occur during an evacuation. 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.

This evacuation analysis forecasts impacts not based solely on a numerical threshold, but is qualitative in nature, based on the extent to which the Project would interfere with an adopted emergency response plan or emergency evacuation plan, if at all. The Project's resident population would be considered a small relative increase to the region's visitor and resident population. Regardless, the Project has provided a comprehensive evacuation evaluation, and the evacuation time results are comparable to similar sized populations under a mass evacuation. Further, any additional time that a Project adds to an evacuation time does not necessarily generate a greater safety risk. The proposed Project would only add a maximum of 6 minutes to the evacuation times that would occur under Existing Land Uses with Cumulative Projects when the additional trips associated with the proposed Project are added to this scenario. Given this minimal addition to the time to it would take to evacuate to the nearest safety zone (in this case, the urban areas of the City of Big Bear Lake), the addition of the proposed Project to the Project area would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. This is particularly the case as the Wildfire Evacuation Plan that has been prepared for the proposed Project adheres to the adopted emergency response plans, which include San Bernardino County Emergency Operations Plan and the Big Bear Valley Community Wildfire Protection Plan. However, a significant impairment of implementation of an adopted emergency response plan or emergency evacuation plan could occur if updates to the Wildfire Evacuation Plan are not made to assess current conditions, and if the Ready, Set, Go! Program is not clearly communicated to residents of the Moon Camp Project. Furthermore, a significant impairment of implementation of an adopted emergency response plan or emergency evacuation plan could occur if the fire road access is not maintained for the life of the Project. Therefore, MMs **HAZ-1** through **HAZ-3** are required to ensure that updates to the Wildfire Evacuation Plan are made periodically, that the Ready, Set, Go! Program is implemented, and that fire road access is maintained. The circulation improvements determined to be necessary in the 2020 FEIR, and enforced by MMs **T-1** through **T-3**, are not necessary conditions to minimize evacuation circulation impacts; however, implementation of MMs **T-1** through **T-3** would serve to further minimize traffic conflicts during both normal and evacuation conditions, as the intent of these measures is to enhance circulation to a level of less than significant. Through the implementation of these mitigation measures, the proposed Project would have a less than significant potential to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

4.3.7 Avoidance, Minimization and Mitigation Measures

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.

The Moon Camp Project Wildfire Evacuation Plan is consistent with the County evacuation planning standards and can be integrated into a county or regional evacuation plan and other pre-plans when and if the area officials and stakeholders (CAL FIRE, SBCFD, California Office of Emergency Services [OES], SBCSD, and others) complete one.

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.

MMs T-1 through T-3 would serve to further minimize traffic conflicts during both normal and evacuation conditions, as the intent of these measures is to enhance circulation to a level of less than significant.

T-1. Project Design Features recommended in the TIA shall be incorporated into the project design. These include:

- Construction of North Shore Drive at its ultimate half-section width as a Mountain Major highway from Canyon Drive to the Easterly 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/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% 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.**

4.3.8 Cumulative Impacts

As the Big Bear Valley area continues to develop, the addition of more development could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan by constructing facilities within public rights-of-way. Based on the Wildfire Evacuation Plan prepared by Dudek, and the Evacuation Traffic Simulations prepared by CRA, the proposed Project would only add a maximum of 6 minutes to the evacuation times that would occur under Existing Land Uses with Cumulative Projects when the additional trips associated with the proposed Project are added to this scenario. The implementation of MMs **HAZ-1** through **HAZ-3** would ensure that the proposed facilities' contribution to cumulative emergency access and evacuation impacts would be reduced to less than cumulatively considerable by requiring the Wildfire Evacuation Plan to be updated periodically to address current area conditions, and ensuring comprehensive strategies to reduce disruption to emergency access and evacuation are enforced for residents living in the Moon Camp Project, thereby minimizing the Project's contribution to cumulatively considerable evacuation impacts.

4.3.9 Unavoidable Adverse Impacts

As determined above, through the implementation of MMs **HAZ-1** through **HAZ-3**, no significant and unavoidable impacts relating to hazards and hazardous materials—specifically impairment of the implementation of or physical interference with an adopted emergency response plan or emergency evacuation plan—will occur as a result of the proposed project.

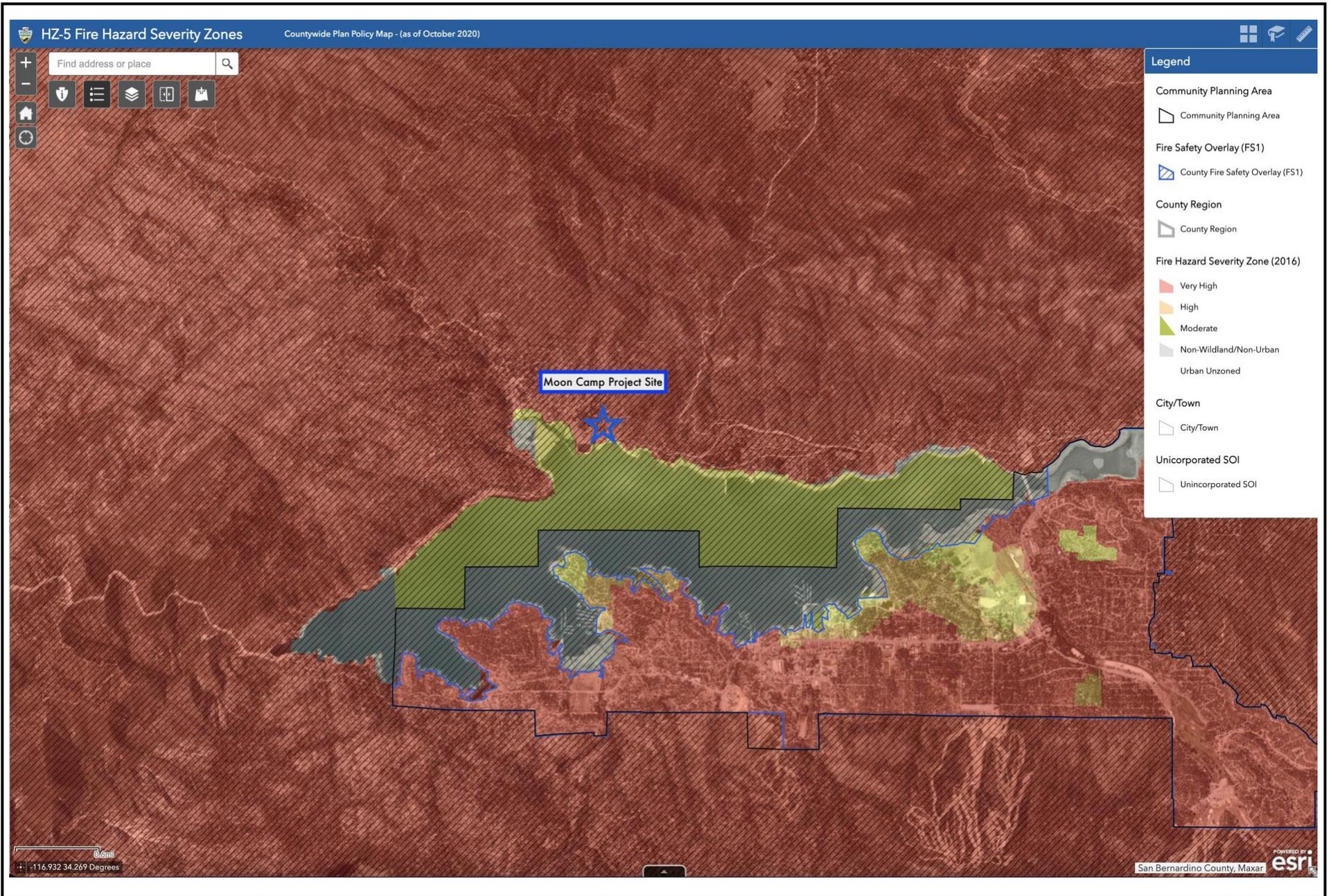


FIGURE 4.3-1

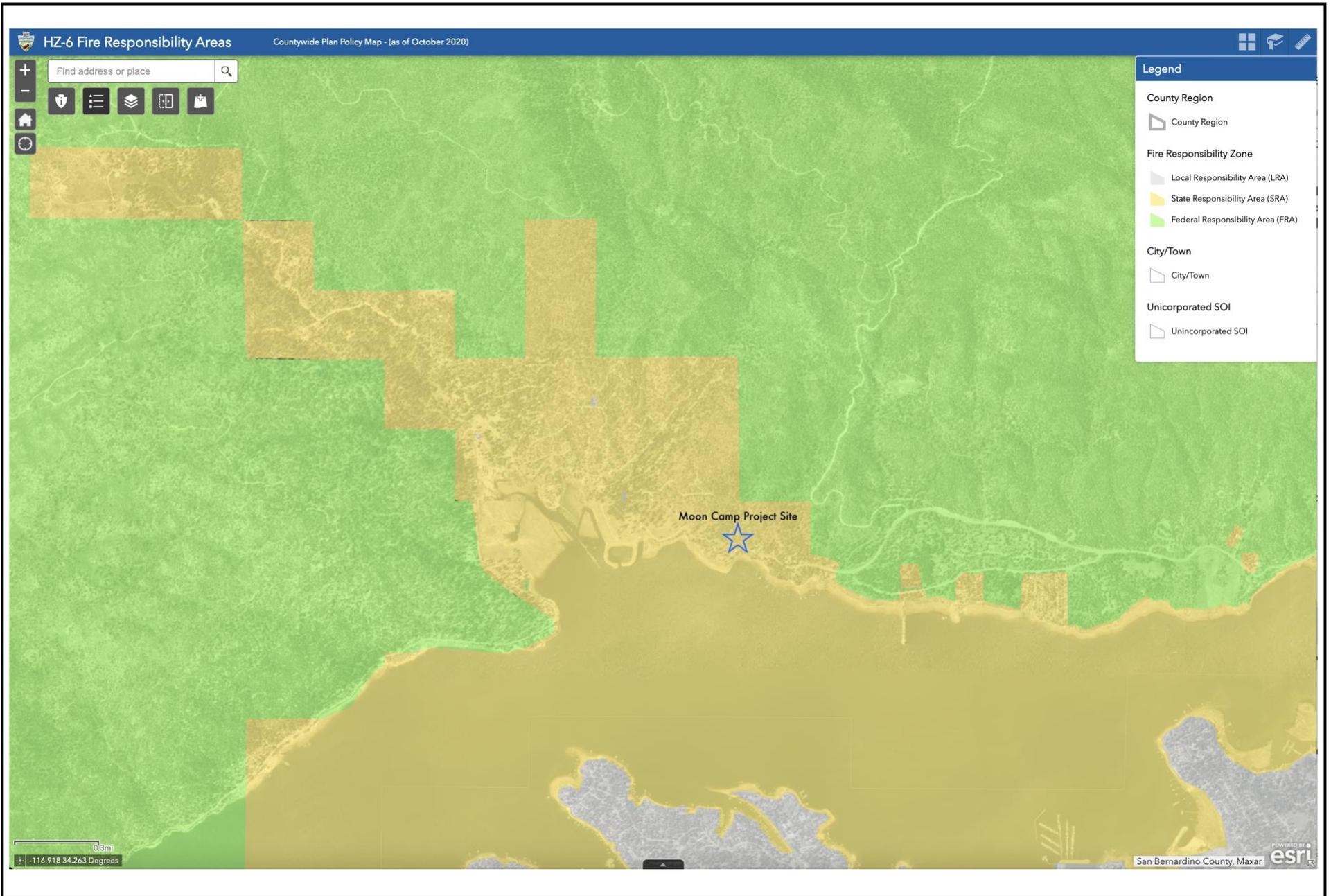


FIGURE 4.3-2

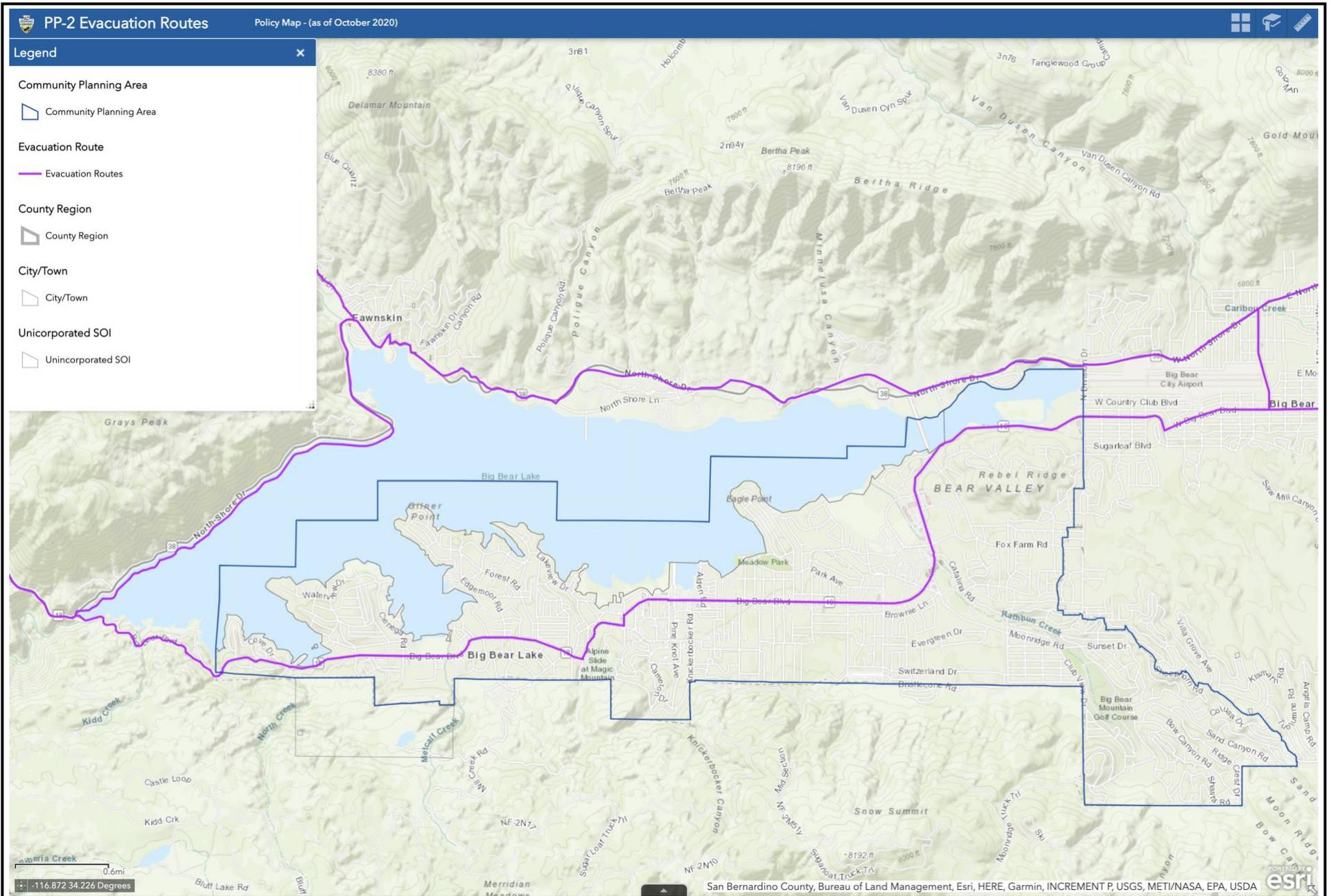


FIGURE 4.3-3

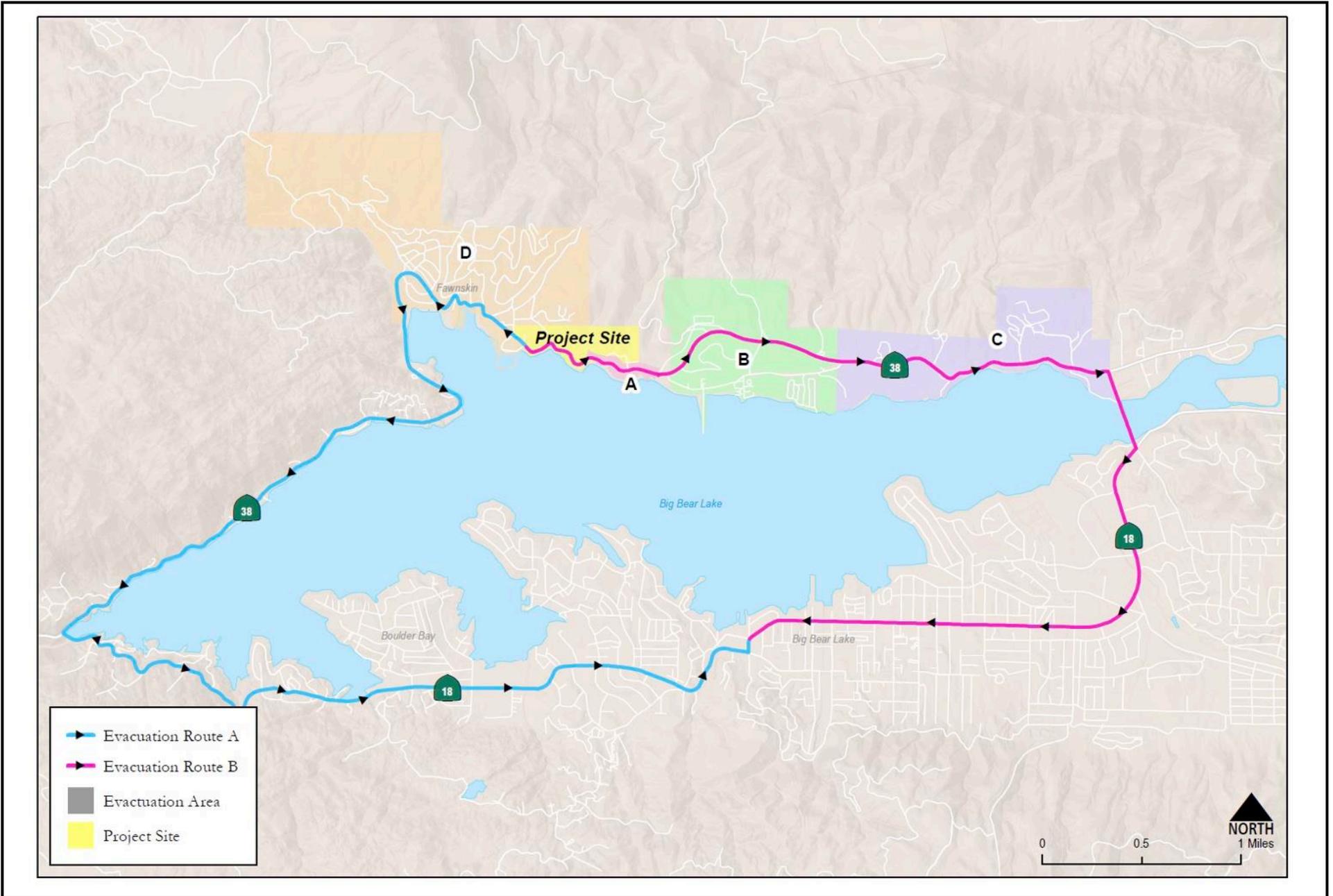


FIGURE 4.3-4

Evacuation Routes Travel Time per Google Map

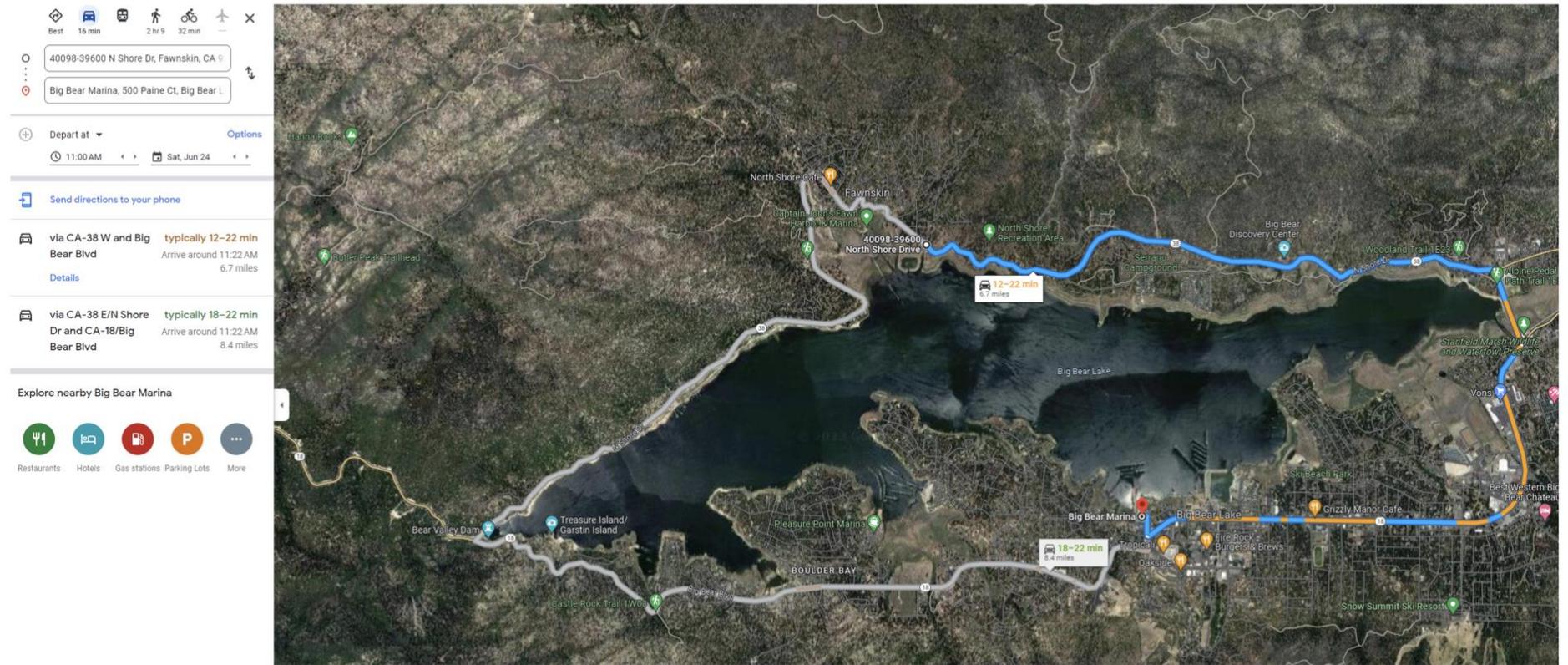


FIGURE 4.3-5

4.4 LAND USE AND PLANNING

4.4.1 Introduction

This subchapter evaluates the environmental impacts to a single land use and planning issue from implementation of the proposed Moon Camp Project, as part of this PRDEIR No. 3. Although the Court ruling did not conclude that the Land Use and Planning Section of RRDEIR No. 2 (which was incorporated as part of the 2020 FEIR) was legally inadequate, the County proposes to analyze the following environmental issue in this Subchapter of the PRDEIR No. 3: the Project's consistency with the County of San Bernardino Countywide Plan, adopted on October 27, 2020, after the Certification of the EIR and approval of the Project. The threshold analyzed in this Subchapter is derived from Appendix G of the CEQA Guidelines, in view of federal, state, and local laws and policies, which identifies the issues that examine whether the proposed Moon Camp Project would have a substantial adverse effect upon land use and planning, including consistency with the San Bernardino Countywide Plan.

This issue will be discussed below as set in the following framework:

- 4.4.1 Introduction
- 4.4.2 Environmental Setting
- 4.4.3 Regulatory Setting
- 4.4.4 Thresholds of Significance
- 4.4.5 Environmental Impacts
- 4.4.6 Avoidance, Minimization and Mitigation Measures
- 4.4.7 Cumulative Impacts
- 4.4.8 Unavoidable Adverse Impacts and Summary of Impacts after Mitigation

The following comments were received by the County during the March 31, 2007, Scoping Meeting held on the proposed Project related to Land Use and Land Use Compatibility:

- *The EIR should address how 50 new homes will contribute to increased ambient noise and light in the vicinity and address the difference between owner occupied homes and rental homes.*
- *The EIR needs to evaluate open space/land use compatibility.*
- *The EIR should address the proposed location of the marina and impacts to surrounding properties from light, noise, trash, and other issues.*
- *Will the Project be evaluated under the existing general plan or the new general plan?*
- *Will there be restrictions on building footprints?*
- *Will the building footprint and heights affect/impact views from existing neighboring homes?*
- *What are the effects on existing property values in the neighborhood?*
- *The EIR should address Project traffic on existing roads.*
- *Does the Project trigger the need for turning lanes into existing streets, particularly at Canyon Road and Highway 18? Residents do not want a traffic signal.*
- *Will a bikeway go through the existing neighborhood?*
- *Address General Plan policies relative to 'fire hazards' and 'open space.'*

The following references were used in the preparation of this Subchapter of the PRDEIR¹:

- San Bernardino Countywide Plan. San Bernardino County (2020). <https://countywideplan.com/> (accessed 05/25/23)
- San Bernardino Countywide Plan Program Environmental Impact Report. San Bernardino County (2019). <http://countywideplan.com/eir/> (accessed 05/25/23)
- San Bernardino County Development Code

The July 2020 Moon Camp FEIR is provided as Appendix 1, Volume 2 to this document. The formerly analyzed Land Use and Planning Subchapter can be found in the April 2010 RRDEIR No. 1 provided as Appendix 3, Volume 2 to this document. This Subchapter is being updated herein.

4.4.2 Environmental Setting

4.4.2.1 Existing Conditions

No change in the existing conditions have occurred since the 2020 FEIR was certified. The Moon Camp Project site (Tentative Tract No. 16136; **Figure 1-1**) is located approximately midway along the north shore of Big Bear Lake, at the eastern edge of the community of Fawnskin. The 62.43-acre site slopes upward from the lakeshore and State Route 38 (SR-38) (Lakeshore Drive) from a lake surface elevation of approximately 6,747 feet above mean sea level (msl) to approximately 6,960 feet msl at the northeast boundary. Slopes vary from 5 to 40 percent and continue upward beyond the property to a ridgeline exceeding 7,800 feet msl on the north. The on-site variation in elevation is approximately 213 feet.

Project Description

The Project consists of the subdivision of the site into 58 lots within the 62.43-acre site—50 numbered lots (single family residential lots) to be sold individually and developed into custom homes, and 8 lettered lots described as follows (and as shown on **Figure 1-1**):

- 3 designated as Open Space/Conservation easements (Lots A and H) and Neighborhood Lake Access (Lot B);
- 3 designated as water well sites (Lots D, E, and F);
- 1 designated as a potential reservoir site (Lot G); and
- 1 would be developed as the marina parking lot (Lot C), the majority of which has been reserved as a conservation easement for bald eagle and rare plant habitat conservation.

The Project proposes 6.2 acres of Open Space, Conservation, and Neighborhood Lake Access within the Project site (Lots A, B, and H). Within this 6.2 acres, 4.84 acres of the Project is occupied by ashy-gray Indian paintbrush that will be preserved in perpetuity as part of Project implementation (within Lots A and H). Additionally, the parts of Lots C (marina parking) and D (water well site) have been included as part of the Project conservation easement due to the number of trees along the lake shore line that are suitable for Bald Eagle perching and foraging for fish and waterfowl over Big Bear Lake. Thus, the development of the Moon Camp Project would establish conservation easements on-site totaling 6.2 acres, with an additional area of about 3 acres that, while not official conservation easements, have been set aside for minimal development to protect the Bald Eagle. Thus, up to 9.2-acres of conservation easements covering all of Lots A, B and H, and parts of Lots C and D would be maintained within the Project site.

¹ Refer to the listed reference documents for a comprehensive list of references utilized to prepare those reports and used in support of the sections that have been extracted and utilized in support of this Subchapter.

The Project also includes a 55-boat slip marina (Lot C). The marina parking lot also includes some open space for the preservation of existing trees. However, because of the development of the parking lot, the lot is not considered part of the Project’s total provided Open Space.

Current Land Use and Zoning Districts

The Project site is currently vacant and undeveloped and is designated in the San Bernardino Countywide Plan for VLDR use (refer to **Figure 1-6**, Land Use Designations). The primary purpose of the VLDR, as identified in the Countywide Plan Land Use Element, is to allow for very low-density residential uses when developed as single-family neighborhoods that can share common infrastructure, public facilities, and services. The Project is located within the Bear Valley/Single Family Residential, 20,000-square foot minimum lot size (BV/RS20M)² Zoning District, which provides sites for single-family residential uses, incidental agricultural and recreational uses, and similar uses.

Table 4.4-1, Existing Land Use and Official Land Use Zoning District, identifies the land use category of the site and surrounding properties, as well as the current land use zoning designations.

**Table 4.4-1
Existing Land Use and Official Land Use Zoning District**

Existing Land Use		Official Land Use Designations and Zoning Districts
Project Site	Vacant	Land Use Designation: Very Low Density Residential (VLDR) The VLDR designation allows for very low-density residential uses when developed as single-family neighborhoods that can share common infrastructure, public facilities, and services. Zoning: Bear Valley/Single Residential–20,000 SF Minimum (BV/RS-20M) The Residential (RS) zoning district provides sites for single-family residential uses, incidental agricultural and recreational uses, and similar and compatible uses.
North	Residential (N and NW) Forest (N and NE)	Land Use Designation: Open Space (OS) (United States Forest Service [USFS]), Resource/Land Management (RLM), and Low Density Residential (LDR). Zoning: Bear Valley/Single Residential (BV/RS), Bear Valley/Rural Living, 10-acre minimum lot size (BV/RL-10) and Bear Valley/Resource Conservation (BV/RC) (USFS)
South	Big Bear Lake (S) Residential (SE)	Land Use Designation: Floodway (FW) (Big Bear Lake) and Low Density Residential (LDR) (Existing residential subdivision) Zoning: Bear Valley/Floodway (BV/FW) (Big Bear Lake) and Bear Valley/Single Residential (BV/RS) (Existing residential subdivision)
East	Vacant Forest (N and NE)	Land Use Designation: Open Space (OS) (USFS) Zoning: Bear Valley/Resource Conservation (BV/RC)

² The Bear Valley (BV) designation referenced in the zoning map is no longer applicable as of November 26, 2020. As part of the adoption of the San Bernardino Countywide Plan, Resolution No. 2020-198 repealed all community plans, including the community plan for Bear Valley. Since a comprehensive update to the zoning map has not been adopted, this subchapter continues to include reference to the Bear Valley (BV) designation, but said reference has no further implication.

Existing Land Use		Official Land Use Designations and Zoning Districts
West	Vacant, Residential	Land Use Designation: Special Development (SD) and Low Density Residential (LDR). Zoning: Bear Valley/Special Development-Residential (BV/SD-RES) and Bear Valley/Single Residential (BV/RS).
Source: San Bernardino County.		

4.4.3 Regulatory Setting

State and local laws, regulations, plans, or guidelines that are applicable to the proposed Project are summarized below.

4.4.3.1 State

California Planning and Zoning Law

The framework within which California cities and counties manage land use and planning oversight is set forth in State Planning and Zoning Law. Under State Planning and Zoning Law, each city and county must adopt a comprehensive, long-term general plan. State law gives cities and counties wide latitude in how a jurisdiction may create a general plan, but there are fundamental requirements that must be met. This requirement extends to the inclusion of seven mandatory elements described in the Government Code, including a land use element. Each of the elements must contain text and descriptions setting forth objectives, principles, standards, policies and goals; and diagrams and maps that incorporate data and analysis for the affected jurisdiction.

Office of Planning and Research General Plan Guidelines

To guide local jurisdictions in preparing their general plan, The Governor’s Office of Planning and Research (OPR) is required to adopt and periodically revise guidelines for the preparation and content of local general plans pursuant to Government Code Section 65040.2. The General Plan Guidelines are advisory, not mandatory. Regardless, the Guidelines are the State’s only official document explaining California’s legal requirements for general plans. Local jurisdictions and the public depend upon the Guidelines for support when preparing local general plans. The courts have periodically referred to the General Plan Guidelines in determining compliance with State planning law. For this reason, the Guidelines closely adhere to statutes and case law.

4.4.3.2 Regional

Southern California Association of Governments

The Southern California Association of Governments (SCAG) is the federally mandated Metropolitan Planning Organization representing six Counties: Los Angeles, Imperial, Orange, Riverside, San Bernardino, and Ventura. On September 3, 2020, SCAG adopted its Connect SoCal: The 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), which is an update to the previous 2016 RTP/SCS. Using growth forecasts and economic trends, the RTP/SCS provides a vision for transportation throughout the region for the next 25 years that achieves the statewide reduction targets and in so doing identifies the amount and location of growth expected to occur within the region.

4.4.3.3 Local

San Bernardino Countywide Plan

The San Bernardino Countywide Plan was adopted on October 27, 2020. The Countywide Plan serves as a guide for County decision-making, financial planning, and communications. It includes the following components:

- The County Policy Plan contains the long-term goals and policies that will guide County decisions, investments, and improvements toward achieving the Countywide Vision. The Policy Plan represents a unique approach to county planning. It serves as the County's General Plan for the unincorporated areas, which is mandated by state law, but it also includes policy direction for adult and child supportive services, healthcare, public safety, and other regional services the County administers in both incorporated and unincorporated areas.³
- The Business Plan provides overarching and ongoing guidance for existing County processes (i.e., budget, goals and objectives, performance measures, etc.). The Business Plan consists of a policy-based governance element and an action-oriented implementation plan, and two new implementation tools: A tracking and feedback system and fiscal analysis model. Combined, these sections and tools provide clarity and transparency to the public regarding County governance while ensuring the Countywide Plan remains meaningful and current.⁴
- Community Action Guides are a framework for communities to create the future character and independent identity, as identified in the workshops as community values and aspirations, through completion of community actions. As stated at the community workshops, the Community Action Guides replace any 2007/2014 Community Plans, with a greater focus on community self-reliance, grass-roots action, and implementation. Goals, policies, land use, and infrastructure decisions are addressed in the Policy Plan of the Countywide Plan. The County Development Code will still regulate zoning and land development.⁵

The Policy Plan contains eleven elements, which are described below:

1. **Land Use Element.** The land use element designates the distribution, location, intensity, and balance of land uses for the unincorporated areas of the county; establishes goals for where, when, and how the County grows, which is also guided by policies in other elements; provides direction for new development on community design, land use compatibility, and interagency coordination; and provides guidance for orderly expansion of incorporated areas.
2. **Housing Element.** The housing element identifies sites to facilitate and encourage housing for households of all economic levels, including persons with disabilities; removes governmental constraints to housing production, maintenance, and improvement as legally feasible and appropriate; assists the development of adequate housing for low- and moderate-income households; preserves publicly assisted multiple-family housing developments in each community; conserves and improves conditions in existing housing and neighborhoods, including affordable housing; and, promotes a range of housing opportunities for all individual and households consistent with fair and equal housing opportunity
3. **Infrastructure and Utilities Element.** The infrastructure and utilities element provides guidance on where, when, and how infrastructure and utilities are improved and expanded; establishes goals and policies to maintain an adequate supply of potable water

³ San Bernardino County, 2023. About the Policy Plan. <https://countywideplan.com/policy-plan/> (accessed 06/02/23)

⁴ San Bernardino County, 2023. About the Business Plan. <https://countywideplan.com/business-plan/> (accessed 06/02/23)

⁵ San Bernardino County, 2023. About Community Planning. <https://countywideplan.com/communities/howtousecags/> (accessed 06/02/23)

and the safe disposal, treatment, and recycling of wastewater, and the recycling and safe disposal of solid waste; and provides direction on system irrigation, resource conservation, and the protection of the natural environment.

4. **Transportation and Mobility Element.** The transportation and mobility element establishes the location and operational conditions of the roadway network; coordinates the transportation and mobility system with future land use patterns and Projected growth; provides guidance for the County's responsibility to satisfy the local and subregional mobility needs of residents, visitors, and businesses in unincorporated areas; and addresses access and connectivity among the various communities, cities, towns, and regions, as well as the range and suitability of mobility options: Vehicular, trucking, freight and passenger rail, air, pedestrian, bicycle, and transit.
5. **Natural Resources Element.** The natural resources element establishes policies that preserve and enhance the beauty and resiliency of our natural resources; provides guidance on coordinating with others to manage, conserve, and protect natural resources such as watersheds, wildlife habitat areas and corridors, and other natural and open space areas; promotes clean air and a supply of water for human consumption and the natural environment; supports the maintenance and enhancement of a countywide system of open space, parks, and recreation assets; provides guidance and support for mining operations and the preservation of viable agricultural and grazing lands; and provides guidance on the location and distribution of new development to protect natural resources.
6. **Renewable Energy and Conservation Element.** The renewable energy and conservation element clarifies the County's collective community, environmental, and economic values for Renewable Energy (RE) development and conservation; articulates what the County will strive to achieve and avoid through energy conservation, energy efficiency, and RE development; establishes goals and policies to manage RE development and conservation of the natural environment; and sets a framework for Development Code standards for RE development.
7. **Cultural Resources Element.** The cultural resources element establishes direction on notification, coordination, and partnerships to preserve and conserve cultural resources; provides guidance on how new development can avoid or minimize impacts on cultural resources; and provides direction on increasing public awareness and education efforts about cultural resources.
8. **Hazards Element.** The hazards element identifies potential natural and human-generated hazards, including increased risk due to climate change; provides direction to address risks to residents, businesses, workers, and visitors; and prioritizes resources and reducing pollution exposure in unincorporated disadvantaged communities.
9. **Personal and Property Protection Element.** The personal and property protection element promotes continuous improvement in the provision of public safety and administration of justice; supports coordinated and effective interagency response to emergencies and natural disasters; provides policy direction to engage communities and respond to identified needs; fosters collaboration among the Board of Supervisors-directed agencies and departments and the elected Sheriff and District Attorney; and augments, rather than replaces, state- and federally-mandated goals and objective.
10. **Economic Development Element.** The economic development element provides direction for County efforts to attract private investment in nonresidential development in unincorporated areas of the county, focuses countywide investments in workforce development on growing occupations and industries, establishes the County's intent to invest in economic development to improve the countywide jobs-housing ratio, and identifies the means through which the County promotes countywide economic development.

11. Health and Wellness Element. The health and wellness element provides guidance on addressing issues that by their nature require extensive coordination and collaboration within the County and with outside agencies and organizations, establishes a holistic approach to the continuum of care, identifies the County’s policy focus regarding its use of state and federal funds to improve the physical and behavioral health of residents, and describes the County’s priorities and roles in serving the health and social needs of vulnerable populations.

4.4.4 Thresholds of Significance

The following criteria for establishing the significance of potential impacts on land use were derived from Appendix G of the CEQA Guidelines. These criteria conform to the County’s Initial Study Checklist. According to Appendix G of the CEQA Guidelines, a Project would normally have a significant effect on the environment if the Project would:

- a) Physically divide an established community; or
- b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

However, as the purpose of this PRDEIR No. 3 is to respond to the Court’s writ of mandate and to analyze the Project’s consistency with the San Bernardino Countywide Plan, as the Countywide Plan was adopted after the Certification of the EIR and approval of the Project, this impact will be analyzed in the context of the following criteria extracted from Appendix G of the CEQA Guidelines:

- b) Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No change in the analysis for any other Land Use and Planning issue is required as part of this PRDEIR No. 3, as the Court found the analysis thereof sufficient, and additionally, the analysis of whether the Project would physically divide an established community remains the same, even under the updated San Bernardino Countywide Plan. Refer to that which was included in the July 2020 FEIR and RRDEIR No. 1 for the remaining Land Use and Planning Text.

The potential land use and planning changes in the environment are addressed in response to the above thresholds in the following analysis.

4.4.5 Potential Impacts

- b) **Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?**

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 (“GHG”) emissions in accordance with Senate Bill 375 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 (biking, walking, etc.) feasible and attractive alternatives to single occupancy vehicle travel. Specific metrics identified

in the Connect SoCal include the following forecasts: More than half of new housing will be multi-family by 2035; the share of new households located within designated High Quality Transit Areas (HQTAs) is Projected to increase by 6 percent between the Baseline (45.2 percent) and Connect SoCal (51.2 percent) by 2045; over half of new homes and jobs will be within walking distance of transit; fewer drive-alone trips and more transit use, biking and walking and HOV (high occupancy) trips; average auto trip length decreases; and per capita vehicle miles traveled (VMT) decreases.

The policies are not directly applicable to the Project. As shown in **Table 4.4-2**, the Project would not conflict with the SCAG adopted Connect SoCal. Therefore, impacts would be less than significant.

**Table 4.4-2
 CONNECT SOCIAL CONSISTENCY ANALYSIS**

Applicable General Plan Policies	Project Consistency Analysis
<p>RTP/SCS/Connect SoCal Goal 1: Encourage regional economic prosperity and global competitiveness.</p>	<p>Consistent. The Project consists of the development of TTM No. 16136 with a total of 50 residential lots, 8 lettered lots including conservation easements, and a marina with 55 boat slips within a 62.43-acre site. As a housing development, the nexus for contributing to regional economic prosperity is the provision of new residents that would contribute to the local and regional economy at large. As the proposed Project is projected to increase the number of total residents within the Big Bear Valley as a result of the additional 50 single-family residential units proposed by the Project, the Project would encourage regional economic prosperity. However, as an individual development, the Project is limited in its ability to directly contribute substantially to either regional economic prosperity or global competitiveness. Thus, the Project is consistent with Goal 1.</p>
<p>RTP/SCS/Connect SoCal Goal 2: Improve mobility, accessibility, reliability, and travel safety for people and goods.</p>	<p>No Conflict Identified. The proposed Project would be constructed within an area that would not impede mobility, accessibility, reliability, or travel safety for people and goods. The Project will include development of roadway facilities to service the Project and provide direct access for the residents to SR-38. The Project proposes two points of ingress and egress from SR-38 with Street "A" terminating on the east-end of the Project in the cul-de-sac. The Project roadway system will consist of standard two-lane roadways with two stop sign-controlled intersections on SR-38 and one intersection interior to the Project. Given that the proposed Project would not impede access to the main roadway providing access to the communities north of Big Bear Lake (SR-38), the Project would not conflict with the RTP/SCS/Connect SoCal Goal 2 to improve mobility, accessibility, reliability, and travel safety for people and goods. Thus, the Project would not conflict with, nor impede the implementation of Goal 2.</p>

Applicable General Plan Policies	Project Consistency Analysis
<p>RTP/SCS/Connect SoCal Goal 3: Enhance the preservation, security, and resilience of the regional transportation system.</p>	<p>No Conflict Identified. The Transportation analysis in RRDEIR No. 1 concluded that implementation of recommended mitigation measures would reduce impacts to the intersection of Stanfield Cutoff/Big Bear Boulevard, and Stanfield Cutoff/SR-38 to a less than significant level and with implementation of the recommended mitigation measures, and traffic hazard impacts would be less than significant. These include restricting parking along the shoulder of SR-38, constructing turn pockets, and installing stop signs at all intersections with the highway, and limiting landscaping to increase visibility at Project intersections with the highway.</p> <p>The Wildfire Evacuation Plan prepared for the Moon Camp Project is consistent with the evacuation planning standards and can be integrated into a county or regional evacuation plan and other pre-plans when and if the area officials and stakeholders (CAL FIRE, San Bernardino County Fire Protection District, San Bernardino County Office of Emergency Services, Big Bear Fire Department, San Bernardino County Sheriff's Department, and others) complete one. This would ensure coordination for evacuation routes and planning at the Project level. Thus, there are no components of the proposed Project that would impair the preservation, security, and resilience of the regional transportation system, or otherwise conflict with the SCAG RTP/SCS/Connect SoCal Goal 3. Thus, the Project would not conflict with, nor impede the implementation of Goal 3.</p>
<p>RTP/SCS/Connect SoCal Goal 4: Increase person and goods movement and travel choices within the transportation system.</p>	<p>No Conflict Identified. Please refer to the consistency discussion under SCAG RTP/SCS/Connect SoCal Goal 4. Given that the proposed Project is a residential development, it is limited in its ability to maximize increase person or goods movement. Furthermore, the Project would not contribute to new mode of travel choices within the existing transportation system. Thus, as the proposed Project would not impair the existing transportation systems available in the Big Bear Valley or region at large, the Project would not conflict with, nor impede the implementation of Goal 4.</p>
<p>RTP/SCS/Connect SoCal Goal 5: Reduce greenhouse gas emissions and improve air quality.</p>	<p>No Conflict Identified. The proposed Project requires incorporation of design measures to reduce greenhouse gas and air pollutant emissions with the goal of meeting State and regional programs to be consistent with RTP/SCS/Connect SoCal Goal 5. Specifically, mitigation measures include the following: Minimize fugitive dust; reduce exhaust emissions and other construction emissions; minimize wood burning stove emissions, including establishing a good neighbor policy for wood burning. Furthermore, while construction-related and operational air quality emissions would be significant and unavoidable, the Project would not prevent SCAG from implementing actions that would improve air quality within the region. Based on these findings, the implementation of the Moon Camp Project would not conflict with, nor impede, Goal 5.</p>

Applicable General Plan Policies	Project Consistency Analysis
<p>RTP/SCS/Connect SoCal Goal 6: Support healthy and equitable communities.</p>	<p>Consistent. As discussed under Table 4.4-2, the proposed Project would comply with the Countywide Plan Environmental Justice goals and policies to support healthy and equitable communities. Furthermore, the proposed Project would provide up to 9.2 acres of conservation easements, which would promote a walkable community integrated with the portions of the conservation easements that are accessible to the public that would be preserved by the proposed Project. Furthermore, the proposed Project would include a marina enabling boat access on Big Bear Lake, which would promote outdoor recreation. Thus, based on these findings, the implementation of the Moon Camp Project would be consistent with Goal 6.</p>
<p>RTP/SCS/Connect SoCal Goal 7: Adapt to a changing climate and support an integrated regional development pattern and transportation network.</p>	<p>No Conflict Identified. Please refer to the consistency analyses under Goals 3 and 5. This goal is intended to guide County and City planning documents and the implementation thereof. As the proposed Project is a private development Project, it does not have any bearing on the development of future planning documents by the County. However, as the proposed Project is consistent with the land use designation and zoning classification for the Project site, it would not conflict with, nor impede, Goal 7.</p>
<p>RTP/SCS/Connect SoCal Goal 8: Leverage new transportation technologies and data-driven solutions that result in more efficient travel.</p>	<p>No Conflict Identified. Please refer to the discussion under Goal 2. This goal is intended to guide transportation planning by transportation agencies, Counties and Cities within the SCAG region. As stated above, the proposed Project does not relate to new transportation technologies or other solutions to more efficient modes of travel. Based on these findings, the implementation of the Moon Camp Project would not conflict with, nor impede, Goal 8.</p>
<p>RTP/SCS/Connect SoCal Goal 9: Encourage development of diverse housing types in areas that are supported by multiple transportation options.</p>	<p>Consistent. The proposed Project would develop TTM No. 16136 with a total of 50 residential lots. The Project would, therefore, contribute 50 single family residences to the overall housing available in the Big Bear Valley and SCAG region at large. Alternative modes of transportation are limited within the Big Bear Valley, due to its remote location in the San Bernardino Mountains. However, the Mountain Area Transit, which serves the San Bernardino Mountain Region, does not serve the Fawnskin Community within which the proposed Project would be developed. Regardless, the proposed Project would contribute to the 8,832-unit housing stock deficit within unincorporated San Bernardino County identified by the SCAG 6th Cycle RHNA Allocation.⁶ Based on these findings, the implementation of the Moon Camp Project would not conflict with, nor impede, Goal 9.</p>
<p>RTP/SCS/Connect SoCal Goal 10: Promote conservation of natural resources and agricultural lands and restoration of habitats.</p>	<p>Consistent. Of the 62.43-acre site, the proposed Project would conserve up to provide up to 9.2 acres of conservation easements. This would contribute to the preservation of many, though not all, of the bald eagle perch locations within the Project site through the implementation of Mitigation Measure (MM) BR-4 which requires that eagle perch locations be preserved in place upon completion of the proposed Moon Camp Project.</p>

⁶SCAG, 2021. SCAG 6th Cycle RHNA Allocation https://scag.ca.gov/sites/main/files/file-attachments/6th_cycle_final_rhna_allocation_plan_070121.pdf?1646938785 (accessed 06/02/23)

Applicable General Plan Policies	Project Consistency Analysis
	Additionally, within the Project conservation easements, 88 percent, or 4,895 of the ashy-gray Indian paintbrush occurrences within the Project site will be protected through permanent conservation easements designated within both lettered Lots A and H. As such, through onsite conservation, the proposed Project would promote the conservation of natural resources consistent with Goal 10.

San Bernardino Countywide Plan

The Project site encompasses about 62.43 acres and is designated VLDR in the San Bernardino Countywide Plan (refer to **Figure 1-6**, Land Use Designations). Additionally, the Project is located within the BV/RS20M Zoning District, which provides sites for single-family residential uses, incidental agricultural and recreational uses, and similar and compatible uses. As proposed in TTM No. 16136, the proposed Project will be fully 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, often with mitigation, as demonstrated by the findings in this PRDEIR No. 3, in addition to the analysis that was deemed adequate by the Court in the 2020 FEIR. A detailed consistency analysis has been prepared to demonstrate Project consistency with the Countywide Plan Goals and Policies that have been adopted for the purpose of avoiding or mitigating an environmental effect in **Table 4.4-3**, below.

In the following discussion, the Land Use goals and policies outlined in the Countywide Plan are restated and addressed with respect to Project impacts.

**Table 4.4-3
SAN BERNARDINO COUNTYWIDE PLAN CONSISTENCY ANALYSIS**

County Goals and Policies	Consistency Analysis
<p>Goal LU-1 Growth and development that builds thriving communities, contributes to our Complete County, and is fiscally sustainable.</p>	
<p>Policy LU-1.1 Growth We support growth and development that is fiscally sustainable for the County. We accommodate growth in the unincorporated county when it benefits existing communities, provides a regional housing option for rural lifestyles, or supports the regional economy.</p>	<p>Consistent. The Project consists of the development of TTM No. 16136 with a total of 50 residential lots, 8 lettered lots including conservation easements, and a marina with 55 boat slips within a 62.43-acre site. The proposed Project would contribute to growth that would provide housing options for the Mountain Region lifestyle. The provision of new housing options within the Mountain Region would benefit the existing community, particularly given that the proposed Project would contribute to the 8,832-unit housing stock deficit within unincorporated San Bernardino County, identified by the SCAG 6th Cycle RHNA Allocation. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy LU-1.1</p>

County Goals and Policies	Consistency Analysis
<p>Policy LU-1.2 Infill development We prefer new development to take place on existing vacant and underutilized lots where public services and infrastructure are available.</p>	<p>Consistent. The area surrounding the Project site in most directions contains housing similar to that which is proposed as part of the Moon Camp Project. The site is designated VLDR, which permits 0-2 dwelling units per acre maximum, and the zoning classification is BV/RS20M, which permits 20,000 SF minimum lots, which is consistent with the proposed Project density of 0.80 dwelling units per acre based upon 50 dwelling units on 62.43 acres. The proposed Project would install water and wastewater infrastructure to connect to existing utility systems. Additionally, the Project would include development of roadway facilities that would enable access to SR-38. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy LU-1.2.</p>
<p>Policy LU-1.5 Development impact fees We require payment of development impact fees to ensure that all new development pays its fair share of public infrastructure.</p>	<p>Consistent. The proposed Project would contribute development impact fees (DIF) commensurate with the County required fees for a Project of this size and type. Furthermore, the proposed Project would contribute fair share costs for roadway improvements pursuant to Mitigation Measure (MM) T-2, in addition to implementation of Project design features recommended to reduce traffic circulation impacts (MMs T-1 and T-2) Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy LU-1.3.</p>
<p>Goal LU-2 An arrangement of land uses that balances the lifestyle of existing residents, the needs of future generations, opportunities for commercial and industrial development, and the value of the natural environment.</p>	
<p>Policy LU-2.1 Compatibility with existing uses We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. We also require that new residential developments are located, scaled, buffered, and designed so as to not hinder the viability and continuity of existing conforming nonresidential development.</p>	<p>Consistent. As shown on Figure 1-2, the proposed Project is designated VLDR on the Countywide Plan. The surrounding uses include Big Bear Lake, open space, and low-density residential uses. Since the Moon Camp Project was conceived, the Project has reduce the number of units from 92 residential lots to 50 residential lots to better fit the character of this portion of the Mountain Community. As the Project has incorporated conservation easements and larger lot sizes, it would be more compatible with existing uses. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy LU-2.1.</p>
<p>Policy LU-2.2 Compatibility with planned uses We require that new residential development is located, scaled, buffered, and designed to minimize negative impacts both on and from adjacent areas designated for nonresidential land uses.</p>	<p>Consistent. As shown on Figure 1-2, the proposed Project is designated VLDR on the Countywide Plan. The surrounding uses include Big Bear Lake, open space, and low-density residential uses. The nonresidential uses include open space (forest) to the north and northeast, in addition to Big Bear Lake to the south. The proposed Project would be scaled appropriate with the VLDR land use designation, and includes up to 9.2 acres of conservation within the total 62.43-acre Project site. Conservation would include trees that serve as perches for bald eagle, in addition to 4.84 acres of area that would preserve occupied ashy gray Indian paintbrush in perpetuity. Therefore, as the proposed Project includes preservation of internal open space areas, it would be consistent with the surrounding open space and Lake uses. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy LU-2.2.</p>
<p>Policy LU-2.3 Compatibility with natural environment</p>	<p>Consistent. Please refer to the discussion under Policy LU-2.2, above. The Project proposes 6.2 acres of Open</p>

County Goals and Policies	Consistency Analysis
<p>We require that new development is located, scaled, buffered, and designed for compatibility with the surrounding natural environment and biodiversity.</p>	<p>Space, Conservation, and Neighborhood Lake Access within the Project site. Within this 6.2 acres, 4.84 acres of occupied ashy-gray Indian paintbrush will be preserved in perpetuity as part of Project implementation. Additionally, the parts of Lots C (marina parking) and D (well site) have been included as part of the Project conservation easement due to the number of trees along the lake shore line that are suitable for Bald Eagle perching and foraging for fish and waterfowl over Big Bear Lake. Thus, the development of the Moon Camp Project would establish conservation easements on-site totaling between the 6.2 and 9.2-acres covering all of Lots A, B and H, and parts of Lots C and D. This includes no development along the shoreline of Big Bear Lake, as this will be part of the conservation easement. As such, the proposed Project has been designed to be compatible with the natural environment and ,therefore, the implementation of the Moon Camp Project would be consistent with Policy LU-2.3.</p>
<p>Policy LU-2.4 Land Use Map consistency We consider proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community’s identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.</p>	<p>Consistent. As shown on Figure 1-2, the proposed Project is designated VLDR on the Countywide Plan. The proposed Project would be consistent with the underlying land use designation and with the surrounding land uses. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy LU-2.4.</p>
<p>Policy LU-2.6 Coordination with adjacent entities We require that new and amended development Projects notify and coordinate with adjacent local, state, and federal entities to maximize land use compatibility, inform future planning and implementation, and realize mutually beneficial outcomes.</p>	<p>Consistent. The proposed Project will require coordination with several adjacent entities to implement the proposed Project. This includes:</p> <ul style="list-style-type: none"> • Big Bear Municipal Water District—A Dock System and License Agreement, Yacht Club Dock License, and/or a shore alteration permit can be obtained at their discretion. • California Department of Fish and Wildlife (CDFW)-- 1602 Streambed Alteration Agreement. • California Division of Forestry—Timber Harvest Plan approval. • California State Water Resources Control Board— General Stormwater Permit for Construction and Storm Water Pollution Prevention Plan. • Santa Ana Regional Water Quality Control Board (RWQCB)—Clean Water Act Section 401 Permit. • California Department of Transportation—Project Study Report (PSR) and Traffic Impact Study (TIS) for SR-38 Encroachment Permit. • City of Big Bear Lake, Department of Water and Power—water service permits and approvals. • South Coast Air Quality Management Agency—Authority to Construct/Operating Permits. • U.S. Army Corps of Engineers (USACE)- Clean Water Act Section 404 Permit. <p>Based on coordination with the above entities, the implementation of the Moon Camp Project would be</p>

County Goals and Policies	Consistency Analysis
	consistent with Policy LU-2.6.
<p>Policy LU-2.8 Rural lifestyle in the Mountain/Desert regions We intend that new residential development in the unincorporated Mountain and Desert regions offer a lower intensity lifestyle that complements the suburban and urban densities in incorporated cities and towns to provide a range of lifestyle options. Master planned communities in unincorporated Mountain/Desert regions may provide a broader range of lifestyles and densities.</p>	<p>Consistent. The proposed Project would be consistent with VLDR designation in the San Bernardino Countywide Plan, which was recently adopted in 2020. Given that the proposed Project is consistent with the County’s land use designation for very low-density residential use, the Moon Camp Project would be consistent and compatible with the rural lifestyle of the Mountain Region. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy LU-2.8.</p>
<p>Goal LU-4 Preservation and enhancement of unique community identities and their relationship with the natural environment</p>	
<p>Policy LU-4.1 Context-sensitive design in the Mountain/Desert regions We require new development to employ site and building design techniques and use building materials that reflect the natural mountain or desert environment and preserve scenic resources.</p>	<p>Consistent. The proposed Project includes design features to reduce aesthetic impacts and preserve scenic resources within the Project area. These include:</p> <ul style="list-style-type: none"> • View envelopes for the existing and proposed residences are kept open to the greatest extent feasible; • View corridors are established; and, • Conservation easements preserve visual aesthetics of the site in its natural state and provide a buffer between existing residences in Fawnskin and the proposed Project. <p>Additionally, MMs A-1a, A-1b, A-2a-e, A-3a, A-3b, and A-4a-f minimize short- and long-term aesthetic impacts, in addition to scenic highway impacts, and light and glare impacts to a level of less than significant. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy LU-4.1.</p>
<p>Policy LU-4.2 Fire-adapted communities We require new development in high or very high fire hazard severity zones to apply fire-resistant design techniques, including fuel modification areas, fire resistant landscaping, and fire-resistant building materials.</p>	<p>Consistent. The proposed Project is located in a very high fire hazard severity zone (FHSZ). The proposed structures would be constructed of new building materials, with the required setbacks from vegetation, subject to the most current building code requirements and County Fire requirements. Thus, as these requirements are more stringent, the structures would generally be more safe than the structures surrounding the Project site. The County’s standard conditions of approval require the creation of defensible space around the new structures that would deter wildfire. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy LU-4.2.</p>
<p>Policy LU-4.4 Natural topography in the Mountain region We require new development in the Mountain region to retain natural topography and minimize grading unless it is necessary to reduce exposure to natural hazards.</p>	<p>Consistent. The proposed Project is located in the Scenic Resources overlay district of the County and ,therefore, is subject to development standards that would limit the alteration of the natural topography of the site. The Project will meet the following requirement for grading the site: The alteration of the natural topography of the site shall be minimized and shall avoid detrimental effects to the visual setting of the designated area and the existing natural drainage system. Alterations of the natural topography should be screened from view from either the scenic highway or the adjacent scenic or recreational resource by landscaping and planting, that harmonize with the natural landscape of the designated area and which are capable of surviving with a minimum of maintenance and supplemental water. Based on these</p>

County Goals and Policies	Consistency Analysis
	findings, the implementation of the Moon Camp Project would be consistent with Policy LU-4.4.
<p>Policy LU-4.5 Community identity We require that new development be consistent with and reinforce the physical and historical character and identity of our unincorporated communities, as described in Table LU-3 and in the values section of Community Action Guides. In addition, we consider the aspirations section of Community Action Guides in our review of new development.</p> <p>Mountain Communities Community Character</p> <ul style="list-style-type: none"> • A rural lifestyle characterized by low density neighborhoods oriented around commercial or recreational nodes, and the prevalence of the forest and mountain landscapes and natural resources. • Abundant views of open spaces, natural features, and dark skies. • Scenic, natural, and recreational features that serve as the foundation of the community's local economy and attract tourists. • Small businesses that serve local residents and visitors, compatible with the natural environment and surrounding uses. 	<p>Consistent. The proposed Project would be consistent with the community identity of the Mountain Communities as described in Table LU-3. As discussed previously, the proposed Project would be consistent with the VLDR designation and, therefore, would be consistent with the rural lifestyle of the Fawnskin community. The proposed Project would implement MMs A-4a through A-4f, which are intended to reduce long term light and glare impacts from the proposed Project. This, when combined with the up to 9.2 acres of conservation easements established on site, would contribute to the open spaces, natural features, and dark skies ascribed to the Mountain Communities Community Character. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy LU-4.5.</p>
<p>Policy LU-4.7 Dark skies We minimize light pollution and glare to preserve views of the night sky, particularly in the Mountain and Desert regions where dark skies are fundamentally connected to community identities and local economies. We also promote the preservation of dark skies to assist the military in testing, training, and operations.</p>	<p>Consistent. See discussion under Policy LU-4.5. The proposed Project would implement MMs A-4a through A-4f, which are intended to reduce long term light and glare impacts from the proposed Project, including minimizing light pollution to preserve the night sky. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy LU-4.7.</p>
<p>Goal NR-1 Air quality that promotes health and wellness of residents in San Bernardino County through improvements in locally-generated emissions</p>	
<p>Policy NR-1.2 Indoor air quality We promote the improvement of indoor air quality through the California Building and Energy Codes and through the provision of public health programs and services.</p>	<p>Consistent. The proposed Project would be developed consistent with the current California Building Code and Energy Code, which would ensure improved indoor air quality when compared to older residences. Additionally, the proposed Project will incorporate the following design and planning features as practical:</p> <ul style="list-style-type: none"> • Subdivision Layout & Orientation to Improve Natural Cooling and Passive Solar Attributes– summer temperatures in neighborhoods that have large expanses of pavement exposed to the sun can be several degrees warmer than neighborhoods with shaded pavement. Homes shall be oriented to take advantage of solar access to provide passive solar heat in the winter and minimize solar heat in the summer months. Planning strategies that consider solar access can address these concerns. • Structural Frame & Building Envelope: Reduce Pollution Entering the Home from the Garage by providing a Tightly Sealed Air Barrier between Garage and Living Area, Install Garage Exhaust Fan, or Build a Detached Garage – According to the U.S. EPA, an attached garage is the biggest contributor to poor indoor air quality in a home. Car exhaust contains many known carcinogens and can migrate into living spaces through doors and cracks in walls and ceilings adjacent to the

County Goals and Policies	Consistency Analysis
	<p>garage. Other pollutants commonly found in garages include benzene from lawn mowers and power tools, pesticides for gardens, toxic cleaning agents, and chemicals in paints and adhesives.</p> <p>Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy NR-1.2.</p>
<p>Policy NR-1.6 Fugitive dust emissions We coordinate with air quality management districts on requirements for dust control plans, revegetation, and soil compaction to prevent fugitive dust emissions.</p>	<p>Consistent. The proposed Project would be developed consistent with the SCAQMD Rule 402, which regulates the emission of fugitive dust. Additionally, the proposed Project would implement MM AQ-1, which would stipulate dust control reduction measures that would be implemented during construction. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy NR-1.6.</p>
<p>Policy NR-1.7 Greenhouse gas reduction targets We strive to meet the 2040 and 2050 greenhouse gas emission reduction targets in accordance with state law.</p>	<p>Consistent. The proposed Project would generate GHG emissions from construction and operation at approximately 1,591.60 metric tons of carbon dioxide equivalents (MTCO_{2e}) per year. This would be below the SCAQMD significance threshold of 3,000 MTCO_{2e} per year for residential Projects. Thus, as a singular Project, the proposed Project would not hinder the County from meeting the 2040 and 2050 greenhouse gas emission reduction targets in accordance with state law. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy NR-1.7.</p>
<p>Policy NR-1.9 Building design and upgrades We use the CALGreen Code to meet energy efficiency standards for new buildings and encourage the upgrading of existing buildings to incorporate design elements, building materials, and fixtures that improve environmental sustainability and reduce emissions.</p>	<p>Consistent. The proposed Project would be required to be consistent with the CAL Green Code. The proposed Project would also implement a number of design features that would aid in meeting energy efficiency standards and reducing air quality and greenhouse gas emissions. These are outlined on pages 4.2-44 through 4.2-48 of RRDEIR No.1 (Appendix 3). Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy NR-1.9.</p>
<p>Goal NR-3 A system of well-planned and maintained parks, trails, and open space that provides recreation opportunities for residents, attracts visitors from across the region and around the country, and preserves the natural environment.</p>	
<p>Policy NR-3.1 Open space preservation We regulate land use and coordinate with public and nongovernmental agencies to preserve open space areas that protect natural resources, function as a buffer against natural hazards or between land uses, serve as a recreation or tourist destination, or are central to the identity of an unincorporated community.</p>	<p>Consistent. As previously stated, the proposed Project would consist of 6.2 acres of Open Space, Conservation, and Neighborhood Lake Access within the Project site. Within this 6.2 acres, 4.84 acres of occupied ashy-gray Indian paintbrush will be preserved in perpetuity as part of Project implementation. Additionally, the parts of Lots C (marina parking) and D (well site) have been included as part of the Project conservation easement due to the number of trees along the lake shore line that are suitable for Bald Eagle perching and foraging for fish and waterfowl over Big Bear Lake. Thus, the development of the Moon Camp Project would establish conservation easements on-site totaling between the 6.2 and 9.2-acres covering all of Lots A, B and H, and parts of Lots C and D. This would contribute to the preservation of open space and natural resources within the site and County at large. Additionally, the Project Applicant, RCK Properties, has purchased the 10-acre Dixie Lee Lane parcel, which parcel is estimated to contain very high densities of the two indicator species for pebble plain habitat—<i>Arenaria ursina</i> and <i>Eriogonum kennedyi austromontanum</i>—with an estimated population in the tens of thousands. As part</p>

County Goals and Policies	Consistency Analysis
	of the community benefits proposed by the Moon Camp Project, RCK Properties, shall duly record a Conservation Easement over the Dixie Lee Lane Parcel in the name of a CDFW-authorized entity. As such, the proposed Project would preserve open space areas and protect natural resources and, therefore, the implementation of the Moon Camp Project would be consistent with Policy NR-3.1.
<p>Policy NR-3.2 Residential clustering We allow residential development to cluster housing units in order to reduce the consumption of undeveloped land, maximize the amount of open space, preserve natural resources, conform to natural topography/grade, and/or reduce exposure of structures to natural hazards.</p>	<p>Consistent. While the proposed Project would develop the site to conform with the VLDR designation, and thereby would only construct 50 residential lots within the 62.43-acre site, the residential lots have been clustered in a manner that would preserve open space and conserve natural resources through the development of up to 9.2 acres of conservation easements within the Project site, as discussed under Policy NR-3.1, above. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy NR-3.2.</p>
<p>Policy NR-3.5 Private conservation efforts We support nongovernmental organizations and private entities who purchase, own, maintain, and expand areas for conservation and preservation. We also support the voluntary transition of privately held lands within a larger boundary designated by the state or federal government for open space and resource conservation to public ownership.</p>	<p>Consistent. As discussed previously, the proposed Project would result in a private conservation effort of the Dixie Lee Lane Parcel in the name of a CDFW-authorized entity. Furthermore, onsite, the proposed Project would conserve 4.84 acres of occupied ashy-gray Indian paintbrush in perpetuity as part of Project implementation. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy NR-3.5.</p>
<p>Goal NR-4 Scenic resources that highlight the natural environment and reinforce the identity of local communities and the county</p>	
<p>Policy NR-4.1 Preservation of scenic resources We consider the location and scale of development to preserve regionally significant scenic vistas and natural features, including prominent hillsides, ridgelines, dominant landforms, and reservoirs.</p>	<p>Consistent. As discussed under LU-4.1, the proposed Project includes design features to reduce aesthetic impacts and preserve scenic resources including scenic vistas within the Project area. Additionally, MMs A-1a, A-1b, A-2a-e, A-3a, A-3b, and A-4a-f minimize short- and long-term aesthetic impacts, in addition to scenic highway impacts, and light and glare impacts to a level of less than significant. No significant impact to scenic vistas was identified. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy NR-4.1.</p>
<p>Policy NR-4.3 Off-site signage We prohibit new off-site signage and encourage the removal of existing off-site signage along or within view of County Scenic Routes and State Scenic Highways.</p>	<p>Consistent. The proposed Project would not include off-site signage. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy NR-4.3.</p>
<p>Goal NR-5 An interconnected landscape of open spaces and habitat areas that promotes biodiversity and healthy ecosystems, both for their intrinsic value and for the value placed on them by residents and visitors.</p>	
<p>Policy NR-5.1 Coordinated habitat planning We participate in landscape-scale habitat conservation planning and coordinate with existing or proposed habitat conservation and natural resource management plans for private and public lands to increase certainty for both the conservation of species, habitats, wildlife corridors, and other important biological resources and functions; and for land development and infrastructure permitting.</p>	<p>Consistent. As discussed previously, the proposed Project would result in a private conservation effort of the Dixie Lee Lane Parcel in the name of a CDFW-authorized entity. Furthermore, the development of the Moon Camp Project would establish conservation easements on-site totaling between the 6.2 and 9.2-acres covering all of Lots A, B and H, and parts of Lots C and D. This would contribute to conservation of the ashy gray Indian paintbrush, in addition to other important plant and wildlife species habitat, as discussed in detail under Subchapter 4.2, Biological Resources. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy NR-5.1.</p>

County Goals and Policies	Consistency Analysis
<p>Policy NR-5.3 Multiple-resource benefits We prioritize conservation actions that demonstrate multiple resource preservation benefits, such as biology, climate change adaptation and resiliency, hydrology, cultural, scenic, and community character.</p>	<p>Consistent. As discussed previously, the proposed Project would result in conservation actions that would benefit biological resources and scenic resources, and could conform to the existing community character of the Fawnskin community. The proposed project would not result in significant air quality, greenhouse gas, or hydrology impacts. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy NR-5.3.</p>
<p>Policy NR-5.6 Mitigation banking We support the proactive assemblage of lands to protect biological resources and facilitate development through private or public mitigation banking. We require public and private conservation lands or mitigation banks to ensure that easement and fee title agreements provide funding methods sufficient to manage the land in perpetuity.</p>	<p>Consistent. As discussed previously, the Project Applicant, RCK Properties, has purchased the 10-acre Dixie Lee Lane parcel, which parcel is estimated to contain very high densities of the two indicator species for pebble plain habitat—<i>Arenaria ursina</i> and <i>Eriogonum kennedyi austromontanum</i>—with an estimated population in the tens of thousands. As part of the community benefits proposed by the Moon Camp Project, RCK Properties, shall duly record a Conservation Easement over the Dixie Lee Lane Parcel in the name of a CDFW-authorized entity. As the proposed project would ensure that easement and fee title agreements provide funding methods sufficient to manage the Dixie Lee Lane parcel in perpetuity, it would be consistent with Policy NR-5.6.</p>
<p>Policy NR-5.7 Development review, entitlement, and mitigation We comply with state and federal regulations regarding protected species of animals and vegetation through the development review, entitlement, and environmental clearance processes.</p>	<p>Consistent. The 2020 FEIR concluded the project would have a significant and unavoidable impact to the American Bald Eagle. This finding was based solely on the strict standard the County has for impacts to Bald Eagles. However, implementation of the proposed project will not result in the “take” of any American Bald Eagle. The American Bald Eagle is a fully-protected species and although a significant impact from Project implementation has been identified, there will be no impact under either the Federal or California Endangered Species Acts (FESA or CESA). As such, the project would comply with state and federal regulations regarding protected species. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy NR-5.7.</p>
<p>Policy NR-5.8 Invasive species We require the use of non-invasive plant species with new development and encourage the management of existing invasive plant species that degrade ecological function.</p>	<p>Consistent. The proposed project would not include the introduction of invasive species as part of the landscape plan for the project site. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy NR-5.8.</p>
<p>Goal NR-6 Mineral resource zones that allow extraction industries to continue supporting the regional and national economy while minimizing negative impacts on the public and natural environment</p>	
<p>Policy NR-6.1 Mineral resource areas We prioritize the conservation of land area with mineral resources by prohibiting or discouraging development of land that would substantially preclude the future development of mining facilities in areas classified as Mineral Resource Zone (MRZ) 2a, 2b, or 3a.</p>	<p>Consistent. 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. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy NR-6.1.</p>
<p>Goal RE-1 The County will pursue energy efficiency tools and conservation practices that optimize the benefits of renewable energy</p>	
<p>Policy RE-1.1 Continue implementing the energy conservation and efficiency measures identified in the County of San Bernardino Greenhouse Gas Emissions Reduction Plan.</p>	<p>Consistent. The proposed Project would be developed with many construction and design attributes that would facilitate increases in energy efficiencies and a corresponding decrease in GHG emissions. The following design attributes and elements of the Project have been</p>

County Goals and Policies	Consistency Analysis
	<p>formulated based on the following fundamental objectives:</p> <ul style="list-style-type: none"> • Conservation of natural resources; • Wise use of energy; • Improvement of indoor air quality; and, • Achievement of livable communities <p>The proposed Project would not result in significant GHG emissions. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy RE-1.1.</p>
<p>Policy RE-1.2 Optimize energy efficiency in the built environment</p> <p>RE 1.2.1: Support low- to no-cost retrofits to improve energy efficiency of existing homes through grant and loan programs.</p> <p>RE 1.2.2: Encourage property owners to participate in a PACE program for access to energy efficiency retrofit financing.</p> <p>RE 1.2.3: Encourage utilities to expand free to low-cost audit and retrofit programs in the built environments.</p> <p>RE 1.2.4: Work with utilities (Southern California Edison (SCE), Southern California Gas Company (SCG), etc.) to identify retrofit opportunities with short payback periods, such as variable-speed pool pumps, building air sealing, and attic insulation, for County use in conducting focused energy efficiency outreach.</p> <p>RE 1.2.5: Collaborate with community partners to promote the benefits of energy efficiency to County residents, businesses, and industries.</p> <p>RE 1.2.6: Encourage new development to comply with the optional energy efficiency measures of the CALGreen Code.</p> <p>RE 1.2.7: Encourage passive solar design in subdivision and design review processes.</p>	<p>Consistent. Refer to the discussion under Policy RE-1.1. The proposed project would implement the required rooftop solar for residential projects by the California Energy Code and would implement the above discussed design attributes that would facilitate increases in energy efficiencies. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy RE-1.2.</p>
<p>Goal H-1 A broad range of housing types in sufficient quantity, location, and affordability levels that meet the lifestyle needs of current and future residents, including those with special needs.</p>	
<p>Policy H-1.1 Appropriate range of housing We encourage the production and location of a range of housing types, densities, and affordability levels in a manner that recognizes the unique characteristics, issues, and opportunities for each community.</p>	<p>Consistent. The proposed project would result in the development of 50 new single-family residences at a density of 0.80 units per acre, which would meet the lifestyle needs of current and future residents of the Fawnskin community. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy H-1.1.</p>
<p>Policy H-1.2 Concurrent infrastructure We support the integrated planning and provision of appropriate infrastructure (including water, sewer, and roadways) concurrent with and as a condition of residential development to create more livable communities.</p>	<p>Consistent. Refer to Chapter 1, Introduction, which describes the infrastructure that would be installed concurrent with Project development. Water Service for the Project site would be provided by the Big Bear Department of Water and Power (DWP). The water improvements will primarily be constructed within the rights-of-way of existing or proposed paved roads concurrent with project development. The Applicant would be responsible for all plumbing and sewer facilities located within the site, including manholes and connection to the County Service Area 53, Improvement Zone B (CSA 53B), which would be treated by Big Bear Area Regional Wastewater Authority's (BBARWA) wastewater</p>

County Goals and Policies	Consistency Analysis
	treatment plant. Additionally, the Project will include development of roadway facilities to service the Project and provide direct access to SR-38 for the residents. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy H-1.2.
<p>Goal H-5 Equal housing opportunities for all persons regardless of race, age, religion, sex, marital status, disability status, ancestry, national origin, or color.</p>	
<p>Policy H-5.1 Housing discrimination We further fair housing opportunities by prohibiting discrimination in the housing market; providing education, support, and enforcement services to address discriminatory practices; and removing potential impediments to equal housing opportunity.</p>	<p>Consistent. By law, the proposed Development would be required to prohibit discrimination in the housing market as part of the sale of the future residential lots proposed by this Project. This is a requirement of the State's Fair Employment and Housing Act, but which the proposed project would comply. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy H-5.1.</p>
<p>Goal IU-1 Water supply and infrastructure are sufficient for the needs of residents and businesses and are resilient to drought</p>	
<p>Policy IU-1.1 Water supply We require that new development be connected to a public water system or a County-approved well to ensure a clean and resilient supply of potable water, even during cases of prolonged drought.</p>	<p>Consistent. Big Bear Lake Department of Water and Power (BBLDWP) would provide water service to the Project site. The Developer would be required to construct the on-site and off-site facilities as described in the DWP's Water Feasibility Study (Alda 2007), as amended by the 2011 update, as discussed in Chapter 1 of this PRDEIR No. 3, and in RRDEIR No. 1. This includes the use of 3 water wells that would be deeded to BBLDWP at the time the tract map is recorded. The Developer would install all common infrastructures, including fire hydrants, and would also install the water main lines within the Project site. The Water Feasibility Study determined adequate water supply is available to serve the needs of the proposed project with the improvements outlined in the in Chapter 1 of this PRDEIR No. 3. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy H-1.1.</p>
<p>Policy IU-1.9 Water conservation We encourage water conserving site design and the use of water conserving fixtures, and advocate for the adoption and implementation of water conservation strategies by water service agencies. For existing County-owned facilities, we incorporate design elements, building materials, fixtures, and landscaping that reduce water consumption, as funding is available.</p>	<p>Consistent. The proposed Project would be required to implement MM U-1a, which requires the creation of a conservation guidelines booklet that outlines water conservation measures to be implemented by future residents of the single-family residences proposed by the Project. Thus, as the proposed Project would not only promote, but require water conservation, the implementation of the Moon Camp Project would be consistent with Policy IU-1.9.</p>
<p>Goal IU-4 Adequate regional landfill capacity that provides for the safe disposal of solid waste, and efficient waste diversion and collection for unincorporated areas.</p>	
<p>Policy IU-4.3 Waste diversion We shall meet or exceed state waste diversion requirements, augment future landfill capacity, and reduce greenhouse gas emissions and use of natural resources through the reduction, reuse, or recycling of solid waste.</p>	<p>Consistent. As this project would be developed after 2022, future residents would be required to comply with SB 1383, which establishes methane reduction targets for California. California SB 1383 sets goals to reduce disposal of organic waste in landfills, including edible food. The project also must comply with the County's mandatory source reduction and recycling program, which mandates 75% of solid waste be diverted and recycled per the state's solid waste diversion requirements under AB 939 and AB 341. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy IU-4.3.</p>

County Goals and Policies	Consistency Analysis
<p>Goal IU-5 Unincorporated area residents and businesses have access to reliable power and communication systems</p>	
<p>Policy IU-5.3 Underground facilities We encourage new and relocated power and communication facilities to be located underground when feasible, particularly in the Mountain and Desert regions.</p>	<p>Consistent. All utility improvements will be constructed to the satisfaction of the County Public Works Department. SWG, Bear Valley Electric and BBARWA, CSA 53B, CSA 53C and Big Bear Lake Department of Water and Power will maintain their respective utility lines within the public right-of-way, as appropriate. This includes undergrounding electrical lines within the Project site. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy IU-5.3.</p>
<p>Policy IU-5.6 Dig once approach We encourage infrastructure, telecommunication, and utility planning and Projects to coordinate so that improvements are made concurrently or in such a manner that minimizes disruption to rights-of-way and reduces costs.</p>	<p>Consistent. Please refer to the discussion under Policy IU-5.3, above. The proposed project would install utility improvements consistent with and to the satisfaction of the utility provider. The installation of utilities would occur commensurate with the dig once approach to minimize disruption of rights-of-way, as applicable. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy IU-5.6.</p>
<p>Goal CR-1 Tribal cultural resources that are preserved and celebrated out of respect for Native American beliefs and traditions</p>	
<p>Policy CR-1.3 Mitigation and avoidance We consult with local tribes to establish appropriate Project-specific mitigation measures and resource-specific treatment of potential cultural resources. We require Project applicants to design Projects to avoid known tribal cultural resources, whenever possible. If avoidance is not possible, we require appropriate mitigation to minimize Project impacts on tribal cultural resources.</p>	<p>Consistent. According to the McKenna et al. Cultural Resources Investigation prepared for the Project (Appendix O of the 2020 FEIR), the project area be considered clear of any known, significant cultural resources. However, given the relatively sensitivity for the project area to yield evidence of fossil specimens and/or prehistoric archaeological resources, archaeological/paleontological monitoring is recommended during any activities involving earthmoving. In this case, archaeological monitoring should be conducted in areas of younger Quaternary alluvium until the consulting archaeological determines monitoring is no longer needed. With respect to paleontological monitoring, such monitoring will only be needed if/when earthmoving involves impacts to the older Quaternary deposits. Some areas, depending on the relative depth of the older deposits, will not require paleontological monitoring. The extent of monitoring can be better defined when a specific grading plan is proposed. Thus, MMs 5.9-1, 5.9-2a through 2d, and 5.9-3 are required to minimize impacts related to cultural and tribal cultural resources, as well as paleontological resources. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy CR-1.3.</p>
<p>Policy CR-1.4 Resource monitoring We encourage active participation by local tribes as monitors in surveys, testing, excavation, and grading phases of development Projects with potential impacts on tribal resources.</p>	<p>Consistent. See discussion under Policy CR-1.3, above. MMs 5.9-1, 5.9-2a through 2d, and 5.9-3 are required to minimize impacts related to cultural and tribal cultural resources, as well as paleontological resources. These measures include a requirement for monitoring by a qualified archaeologist. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy CR-1.4.</p>
<p>Goal CR-2 Historic resources (buildings, structures, or archaeological resources) and paleontological resources that are protected and preserved for their cultural importance to local communities as well as their research and educational potential.</p>	

County Goals and Policies	Consistency Analysis
<p>Policy CR-2.3 Paleontological and archaeological resources We strive to protect paleontological and archaeological resources from loss or destruction by requiring that new development include appropriate mitigation to preserve the quality and integrity of these resources. We require new development to avoid paleontological and archeological resources whenever possible. If avoidance is not possible, we require the salvage and preservation of paleontological and archeological resources.</p>	<p>Consistent. See discussion under Policy CR-1.3 and CR-1.4, above. The Paleontological Resources Survey Report concluded 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. MMs 5.9-2a through 2d are required to minimize impacts related to paleontological resources. These measures include a requirement for monitoring by a qualified paleontologist. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy CR-2.3.</p>
<p>Goal TM-1 Unincorporated areas served by roads with capacity that is adequate for residents, businesses, tourists, and emergency services</p>	
<p>Policy TM-1.1 Roadway level of service (LOS) We require our roadways to be built to achieve the following minimum level of service standards during peak commute periods (typically 7:00-9:00 AM and 4:00-6:00 PM on a weekday):</p> <ul style="list-style-type: none"> • LOS D in the Valley Region • LOS D in the Mountain Region • LOS C in the North and East Desert Regions 	<p>Consistent. The discussion under Transportation, Circulation, and Parking in RRDEIR No. 1 concluded the traffic analysis indicates that under present conditions, affected intersections will operate at less than acceptable rates with or without the Moon Camp Project. Traffic improvements are needed for existing conditions and projected conditions whether or not the Moon Camp Project is implemented. According to the traffic study, all study intersections are expected to operate at a LOS C or better during peak hours for the scenario analyzed with improvements installed. Thus, through the implementation of MMs T-1 and T-2, which would enforce the Project traffic design features intended to minimize traffic conflicts internal to the Project site, and would ensure that the Project would pay its fair share contribution towards off-site traffic improvements, the proposed project would not conflict with the County's Roadway LOS standards. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy TM-1.1.</p>
<p>Policy TM-1.6 Paved roads For any new development for which paved roads are required, we require the developer to construct the roads and we require the establishment of a special funding and financing mechanism to pay for roadway operation, maintenance, and set-aside reserves.</p>	<p>Consistent. The proposed Project would install internal roadways within the Project site, which would be paved. The Developer would be required to comply with this Policy as part of the payment of development impact fees dedicated to the County resulting from implementation of this Project. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy TM-1.6.</p>
<p>Policy TM-1.7 Fair share contributions We require new development to pay its fair share contribution toward off-site transportation improvements.</p>	<p>Consistent. As discussed under Policy TM-1.1, above, the proposed Project would be required to pay its fair share contribution towards off-site improvements through the implementation of MM T-2. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy TM-1.7.</p>
<p>Policy TM-1.8 Emergency access When considering new roadway improvement proposals for the CIP or RTP, we consider the provision of adequate emergency access routes along with capacity expansion in unincorporated areas. Among access route improvements, we prioritize those that contribute some funding through a local area funding and financing mechanism.</p>	<p>Consistent. Emergency access would occur through the two driveways and an additional fire gate would be provided on the east end of the Moon Camp Project site. Refer to Figure 1-1, which depicts the TTM of the proposed Project. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy TM-1.8.</p>
<p>Goal TM-2 Roads designed and built to standards in the unincorporated areas that reflect the rural, suburban, and urban context as well as the regional (valley, mountain, and desert) context</p>	

County Goals and Policies	Consistency Analysis
<p>Policy TM-2.3 Concurrent improvements We require new development to mitigate Project transportation impacts no later than prior to occupancy of the development to ensure transportation improvements are delivered concurrent with future development.</p>	<p>Consistent. The proposed project would install roadways concurrent with site improvements, prior to occupancy. As discussed under Chapter 1, development of the roadway infrastructure will occur at one time at the initial phase of Moon Camp development. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy TM-2.3.</p>
<p>Policy TM-2.6 Access control We promote shared/central access points for direct access to roads in unincorporated areas to minimize vehicle conflict points and improve safety, especially access points for commercial uses on adjacent properties.</p>	<p>Consistent. The Project proposes two points of ingress and egress from SR-38 with Street "A" terminating on the east-end of the Project in the cul-de-sac. The Project roadway system will consist of standard two-lane roadways with two stop sign-controlled intersections on SR-38 and one intersection interior to the Project. These points of access are required to facilitate emergency access at the Project site. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy TM-2.6.</p>
<p>Goal TM-4 On- and off-street improvements that provide functional alternatives to private car usage and promote active transportation in mobility focus areas</p>	
<p>Policy TM-4.8 Local bicycle and pedestrian networks We support local bike and pedestrian facilities that serve unincorporated areas, connect to facilities in adjacent incorporated areas, and connect to regional trails. We prioritize bicycle and pedestrian network improvements that provide safe and continuous pedestrian and bicycle access to mobility focus areas, schools, parks, and major transit stops.</p>	<p>Consistent/No Conflict. The shoreline of Big Bear Lake would be accessible to local residents who may arrive on foot or bicycle for fishing, bird watching, or other such passive activities. The proposed Project would not conflict with existing or installation of planned bike lanes or sidewalks in the vicinity of the Project. Based on these findings, the implementation of the Moon Camp Project would be consistent and would have no conflict with Policy TM-4.8.</p>
<p>Policy TM-4.11 Parking areas We require publicly accessible parking areas to ensure that pedestrians and bicyclists can safely access the site and onsite businesses from the public right-of-way.</p>	<p>Consistent. Future homebuilders would be required to provide garage space for a minimum of two cars and provide two guest parking spaces in the driveway, per the County's Development Code. Additionally, parking for residences using the marina would be provided in the private/gated parking lot south of SR-38. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy TM-4.11.</p>
<p>Goal HZ-1 Minimized risk of injury, loss of life, property damage, and economic and social disruption caused by natural environmental hazards and adaptation to potential changes in climate.</p>	
<p>Policy HZ-1.1 New subdivisions in environmental hazard areas We require all lots and parcels created through new subdivisions to have sufficient buildable area outside of the following environmental hazard areas: Flood: 100-year flood zone, dam/basin inundation area Geologic: Alquist Priolo earthquake fault zone; County-identified fault zone; rockfall/debris-flow hazard area, existing and County-identified landslide area</p>	<p>Consistent. According to the Flood Insurance Rate Map (FIRM) number 06071C7295 F, there is no existing flood hazard within the Project site. No dam inundation hazards exist at the Project site. The site is classified as flood Zone D. Additionally, the project area is not currently known to be located within an Alquist-Priolo Fault Rupture Hazard Zone, nor is it located within a rockfall/debris-flow hazard area or County identified landslide area. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy HZ-1.1.</p>
<p>Policy HZ-1.7 Underground utilities We require that underground utilities be designed to withstand seismic forces, accommodate ground settlement, and hardened to fire risk.</p>	<p>Consistent. As discussed in the 2006 FEIR, the proposed project would be required to implement MM 5.10-4, which would enforce California Uniform Building Code (CBC) Requirements, in addition to County requirements. This would ensure that underground utilities would be designed to withstand seismic forces, accommodate ground settlement, and hardened to fire risk. Based on these findings, the implementation of the</p>

County Goals and Policies	Consistency Analysis
	Moon Camp Project would be consistent with Policy HZ-1.7.
<p>Policy HZ-1.10 Energy independence We encourage new residential development to include rooftop solar energy systems and battery storage systems that can provide backup electrical service during temporary power outages.</p>	<p>Consistent. The proposed development would be required to comply with the 2022 California Energy Code, which requires that solar be installed as part of the proposed single-family residential development. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy HZ-1.10.</p>
<p>Policy HZ-1.13 Fire protection planning We require that all new development in County-designated Fire Safety Overlay and/or CAL FIRE-designated Very High Fire Hazard Severity Zones meet the requirements of the California Fire Code and the California Building Code as amended by the County Fire Protection District, including Title 14 of the California Code of Regulations fire safety requirements for any new development within State Responsibility Areas, as well as provide and maintain a Fire Protection Plan or Defensible Space/Fuel Modification Plan and other pre-planning measures in accordance with the County Code of Ordinances.</p>	<p>Consistent. The discussion under Public Services in RRDEIR No. 1 outlines that the proposed Project would be required to comply with the additional site design, building, and access standards to provide enhanced resistance to fire hazards as a result of being located within the County’s Fire Hazard Overlay District (FS1). Additionally, the proposed project is located in a very high fire hazard severity zone (FHSZ) by CAL FIRE. Since the Proposed Alternative Project is located within a FS1/ very high FHSZ designated area, it is subject to compliance with various requirements relative to construction, building separations, project design, and erosion and sediment control. 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. Additionally, the proposed Project must comply with the CBC, including Title 14 fire safety requirements. Furthermore, MMs PS-1 through PS-4 would further require a Fuel Management Plan that would be prepared to the specifications of the San Bernardino County Fire Protection District and San Bernardino National Forest Service and would require the Homeowner’s Association to be responsible for fuel modification in common areas. Based on these findings, the implementation of the Moon Camp Project would be not hinder the implementation of Policy HZ-1.13.</p>
<p>Policy HZ-1.14 Long-term fire hazard reduction and abatement We require proactive vegetation management/hazard abatement to reduce fire hazards on existing private properties, along roadsides of evacuation routes out of wildfire prone areas, and other private/public land where applicable, and we require new development to enter into a long-term maintenance agreement for vegetation management in defensible space, fuel modification, and roadside fuel reduction in the Fire Safety Overlay and/or Very High Fire Hazard Severity Zones.</p>	<p>Consistent. Please refer to the discussion under Policy HZ-1.14, above, which indicates that the Project would be subject to MMs PS-1 through PS-4. This would require and facilitate the implementation of a Fuel Management Plan that is subject to San Bernardino County Fire Protection District and San Bernardino National Forest Service approval. The implementation of this Plan would occur over the life of Project occupancy. Based on these findings, the implementation of the Moon Camp Project would be not hinder the implementation of Policy HZ-1.14.</p>
<p>Policy HZ-1.15 Evacuation route adequacy We coordinate with CAL FIRE, California’s Office of Emergency Services, and other local fire districts to identify strategies that ensure the maintenance and reliability of evacuation routes potentially compromised by wildfire, including emergency evacuation and supply transportation routes.</p>	<p>Consistent. The Wildfire Evacuation Plan prepared for the Moon Camp Project is consistent with the County evacuation planning standards and can be integrated into a county or regional evacuation plan and other pre-plans when and if the area officials and stakeholders (CAL FIRE, San Bernardino County Fire Protection District, San Bernardino County Office of Emergency Services, Big Bear Fire Department, San Bernardino County Sheriff’s Department, and others) complete one. This would ensure coordination for evacuation routes and planning at the Project level. Based on these findings, the</p>

County Goals and Policies	Consistency Analysis
	implementation of the Moon Camp Project would be not hinder the implementation of Policy HZ-1.15.
<p>Goal HZ-2 Human-Generated Hazards: People and the natural environment protected from exposure to hazardous materials, excessive noise, and other human-generated hazards.</p>	
<p>Policy HZ-2.8 Proximity to Noise Generating Uses: We limit or restrict new noise sensitive land uses in proximity to existing conforming noise generating uses and planned industrial areas.</p>	<p>Consistent/Not Applicable. The proposed Project is not located in an area that would be adjacent to noise generating uses, such as industrial sites. The proposed Project would introduce a new noise sensitive land use (i.e. residential use) to the project area, but no noise generated uses are located in the Project area. Based on these findings, the implementation of the Moon Camp Project would be consistent and would have no conflict with Policy HZ-2.8.</p>
<p>Policy HZ-2.9 Control Sound at the Source: We prioritize noise mitigation measures that control sound at the source before buffers, soundwalls, and other perimeter measures.</p>	<p>Consistent. The proposed project would implement MMs NOI-3 through NOI-4 during construction, which would minimize construction noise through muffling, shielding, and would ensure that construction staging areas are located as far from nearby residences as possible for the duration of construction. Operational noise was determined to be below significance thresholds and ,therefore, no mitigation or control of sound at the source is necessary to ensure a less than significant impact would occur. Based on these findings, the implementation of the Moon Camp Project would be consistent and would have no conflict with Policy HZ-2.9.</p>
<p>Goal HZ-3 For unincorporated environmental justice focus areas, equitable levels of protection from environmental and health hazards; expanded opportunities for physical activity and meaningful civic engagement; and access to healthy food, public facilities, safe and sanitary housing.</p>	
<p>Policy HZ-3.18 Application requirements In order for a Planning Project Application (excluding Minor Use Permits) to be deemed complete, we require applicants to indicate whether the Project is within, adjacent to, or nearby an unincorporated environmental justice focus area and, if so, to: document to the County’s satisfaction how an applicant will address environmental justice concerns potentially created by the Project; and present a plan to conduct at least two public meetings for nearby residents, businesses, and property owners to obtain public input for applications involving a change in zoning or the Policy Plan. The County will require additional public outreach if the proposed Project changes substantively in use, scale, or intensity from the proposed Project presented at previous public outreach meeting(s).</p>	<p>Not Applicable. The proposed project is not located within the County’s Table HZ-1: CalEnviroScreen Scores for Environmental Justice Focus Areas. As such, this policy is not applicable to the proposed Project. Based on these findings, the implementation of the Moon Camp Project would not hinder the implementation of Policy HW-3.8.</p>
<p>Goal PP-3 Reduced risk of death, injury, property damage, and economic loss due to fires and other natural disasters, accidents, and medical incidents through prompt and capable emergency response.</p>	
<p>Policy PP-3.6 Concurrent protection services We require that fire department facilities, equipment, and staffing required to serve new development are operating prior to, or in conjunction with new development.</p>	<p>Consistent. The analysis under Public Services in RRDEIR No. 1 determined that fire protection impacts of the Moon Camp Project would be less than significant through the payment of property taxes and development impact fees towards fire protection. The San Bernardino County Fire Department would utilize such funds to ensure adequate services are provided concurrent with the occupation of future residences. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy PP-3.6.</p>

County Goals and Policies	Consistency Analysis
<p>Policy PP-3.7 Fire safe design We require new development in the Fire Safety Overlay to comply with additional site design, building, and access standards to provide enhanced resistance to fire hazards.</p>	<p>Consistent. The discussion under Public Services in RRDEIR No. 1 outlines that the proposed Project would be required to comply with the additional site design, building, and access standards to provide enhanced resistance to fire hazards as a result of being located within the County's Fire Hazard Overlay District (FS1). Since the Moon Camp 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 fuel modification zones and apply to all phases of project development. The individual homeowners will be required to pay development impact fees, a portion of which are directed to fire protection services. Furthermore, MMs PS-1 through PS-4 would further ensure compliance with the Fire Safety Overlay requirements. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy PP-3.7.</p>
<p>Policy PP-3.8 Fire-adapted communities We inform and prepare our residents and businesses to collaboratively plan and take action to more safely coexist with the risk of wildfires.</p>	<p>Consistent. The Moon Camp Project, as a newer residential community with new residences would, conform to the ignition-resistant building codes codified in Chapter 7A of the California Building Code, and would be ignition-resistant, defensible and designed to require minimal firefighting resources for protection, which would enable sheltering in place as a contingency option when it is considered safer than evacuation. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy PP-3.8.</p>
<p>Policy PP-3.9 Street and premise signage We require adequate street signage and premise identification be provided and maintained to ensure emergency services can quickly and efficiently respond.</p>	<p>Consistent. The Moon Camp Project would have two public access points (Street A and Street B) on the north side of SR-38 that connect to the residences, and one emergency access point at the easterly terminus of Street A. Street signage will be installed in accordance with the County Development Code. Additionally, MM HAZ-1, would require fire access road maintenance, which would further ensure adherence to this policy. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy PP-3.9.</p>
<p>Goal PP-4 A reduced risk of and impact from injury, loss of life, property damage, and economic and social disruption resulting from emergencies, natural disasters, and potential changes in climate.</p>	
<p>Policy PP-4.4 Emergency shelters and routes We identify and publicize emergency shelters and sign and control evacuation routes for use during emergencies.</p>	<p>Consistent. The Moon Camp Project residents will be required to adhere to the evacuation plan, which requires adherence to the San Bernadino County Emergency Operations Plan and the Big Bear Valley Community Wildfire Protection Plan. This shall be enforced through MMs HAZ-2 and HAZ-3. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy PP-4.4.</p>
<p>Goal HW-3 Assets that contribute to a complete county and healthy neighborhoods and communities</p>	

County Goals and Policies	Consistency Analysis
<p>Policy HW-3.8 Attracting leisure and entertainment</p> <p>We advocate for the establishment and retention of leisure and entertainment businesses and venues, countywide, that contribute to the complete county concept.</p>	<p>Consistent. The proposed project would contribute to leisure activities through a new marina installed concurrent with the proposed residential development, allowing for 55 boat slips. Additionally, the shoreline would be accessible to local residents who may arrive on foot or bicycle for fishing, bird watching, or other such passive activities. As such, the proposed project would establish a new leisure venue that would promote outdoor recreation and, thereby, contribute to the complete County concept. Based on these findings, the implementation of the Moon Camp Project would be consistent with Policy HW-3.8.</p>

San Bernardino County Development Code

The zoning classification of the Project site is BV/RS-20M (Bear Valley/Single Residential–20,000 SF Minimum). The RS (Residential) zoning district provides sites for single-family residential uses, incidental agricultural and recreational uses, and similar and compatible uses. The proposed Project would include the construction of single-family residential lots with sizes of over 20,000 square feet, complying with the zoning classification of the Project site. As required by the Development Code, the proposed Project’s development plans would be reviewed by the County to ensure consistency with development standards. Thus, no zoning conflicts would occur from implementation of the proposed Project.

Conclusion

As shown above, the Project is consistent with the applicable San Bernardino Countywide Plan Goals and Policies, and the SCAG Connect SoCal Goals that have been adopted for the purpose of avoiding or mitigating an environmental effect. Furthermore, according to the Southern California Association of Governments (SCAG) 6th Cycle Final Regional Housing Needs Assessment (RHNA) Allocation Plan, the County’s regional housing needs are as follows:

**Table 4.4-4
REGIONAL HOUSING NEEDS: UNINCORPORATED COUNTY OF SAN BERNARDINO⁷**

Total	Very Low Income	Low Income	Moderate Income	Above Moderate Income
8,832	2,179	1,360	1,523	3,770

The proposed project would contribute 50 units to the SCAG identified 8,832 dwelling unit deficit within the Unincorporated areas of the County at present, thus complying with the goals of the County’s Housing Element. Therefore, the implementation of this project at this site is consistent with the County’s plans and policies. Based on the preceding information, implementation of the Moon Camp Project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, zone classification, or the County’s Development Code) adopted for the purpose of avoiding or mitigating an environmental effect. No adverse impacts are anticipated under this issue and no mitigation is required.

⁷SCAG, 2021. 6th Cycle Final RHNA Allocation Plan (approved by HCD on 3/22/21 and modified on 7/1/21) https://scag.ca.gov/sites/main/files/file-attachments/6th_cycle_final_rhna_allocation_plan_070121.pdf?1646938785 (accessed 06/12/23)

4.4.6 Avoidance, Minimization and Mitigation Measures

With proper regulatory actions taken at the federal, state potential adverse environmental impacts related to land use have been reduced or avoided. Additionally, mitigation measures related to land use, and ensuring land use consistency, have been identified to minimize biological resource impacts, transportation and circulation conflicts, air quality emissions, short and long term aesthetic impacts, cultural and tribal cultural resources, as well as paleontological resources, create a conservation guidelines booklet that outlines water conservation measures to be implemented by future residents, and require a Fuel Management Plan that would be prepared to the specifications of the San Bernardino County Fire Protection District and San Bernardino National Forest Service, and would require the Homeowner's Association to be responsible for fuel modification in common areas. These mitigation measures, in addition to the whole of the mitigation measures required to reduce Project-related impacts, have been incorporated into the other sections of this and the 2020 FEIR, as appropriate and demonstrate that the direct environmental impacts related to land use will be reduced to less than significant. No mitigation measures specific to Land Use and Planning are necessary to ensure land use consistency, or to ensure that the project does not result in physically dividing an established community.

4.4.7 Cumulative Impacts

According to the San Bernardino Countywide Plan PEIR, cumulative projects in San Bernardino County would have the potential to result in a cumulative impact if they would, when combined as a whole with cumulative development, conflict with existing land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental impact. Cumulative projects in the San Bernardino County region would utilize regional planning documents such as SCAG's RTP/SCS during planning, and the general plans of cities within which development is proposed to ensure consistency with the regional plans, to the extent that such plans are applicable. Cumulative projects in these jurisdictions would be required to comply with the applicable land use plan, or would otherwise require a general plan amendment and be subject to the approval of the applicable jurisdiction. As a result, and based on the determination in the San Bernardino Countywide Plan PEIR, it is anticipated that cumulative projects within the County would maintain land use consistency, and would not result in cumulatively considerable potential to physically divide and established community/established communities.

Development of the proposed project will result in change to the project site from a vacant site to a developed site consistent with the San Bernardino Countywide Plan. The San Bernardino Countywide Plan establishes the land use framework for the Project site, and Unincorporated Communities of San Bernardino County. Approval of the proposed project will cause an intensification of development greater than that which presently occurs within the project site, but not greater than that which has been identified for development of this site in the San Bernardino Countywide Plan. The proposed project would contribute to implementation of the San Bernardino Countywide Plan vision for the project site and overall area. Thus, it is not anticipated that the proposed project would contribute a cumulatively considerable land use impact in consideration of all past, present, and probable future projects. Furthermore, as no significant adverse impacts related to land use and planning issues have been identified, no cumulatively considerable and unavoidable impact is forecast to occur if the proposed project is implemented as proposed, particularly through the implementation of the mitigation measures identified throughout this PRDEIR No. 3, and in the 2020 FEIR that would contribute to ensuring land use consistency.

4.4.8 Unavoidable Adverse Impacts

As determined above, no significant and unavoidable impacts relating to land use and planning will occur as a result of implementing the proposed project.

CHAPTER 5 – PREPARATION RESOURCES

5.1 REPORT PREPARATION

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5.1.3 EIR Technical Consultants

The following technical studies were prepared specifically in support of the analysis in this PRDEIR No. 3:

- Jacobs, May 2023. *Review of Proposed Mitigation Measures and Recommended Additional Conservation Measures to Offset Impacts to Ash-Gray Paintbrush for the Moon Camp Residential Subdivision Project, San Bernardino County, California* (Appendix 9)
- Dudek, September 2023. *Wildfire Evacuation Plan, Moon Camp.* (Appendix 12)
- Chen Ryan Associates (CRA), September 2023. *Moon Camp Fire Evacuation Analysis – Technical Memorandum* (Appendix C of Appendix 12)

All other appendices to this PRDEIR No. 3 are either the former EIRs prepared for the Moon Camp Project, or are technical studies that were extracted from the Appendices of the former EIRs prepared for the Moon Camp Project.

5.2 BIBLIOGRAPHY

Previous Environmental Documents

Final Environmental Impact Report Moon Camp 50-lot Residential Subdivision, TT No. 16136 (Based on the Revised Site Plan) Big Bear Lake, San Bernardino County, California (2020 FEIR) prepared by FirstCarbon Solutions, dated July 10, 2020. (Appendix 1)

Final Environmental Impact Report Moon Camp Residential Subdivision TT No. 16136 (2006 FEIR) prepared by RBF Consulting, dated December 2005. (Appendix 2)

Revised and Recirculated Environmental Impact Report Moon Camp 50-Lot Residential Subdivision, TT No. 16136 (Based on the Revised Site Plan) Big Bear Lake, San Bernardino County, CA (2010 RRDEIR No. 1) prepared by Michael Brandman Associates, dated March 25, 2010 (Appendix 3)

Revised and Recirculated Draft Environmental Impact Report No. 2 Moon Camp 50-lot Residential Subdivision, TT No. 16136 (Based on the Revised Site Plan) Big Bear Lake, San Bernardino County, California (2011 RRDEIR No. 2) prepared by Michael Brandman Associates, dated November 9, 2011 (Appendix 4)

Previous Technical Studies Used in Support of this PRDEIR No. 3

Moon Camp Tentative Tract 16136 Focused Special Status Plant Species Survey, prepared by Dr. Timothy P. Kranz, dated August 29, 2010 (Appendix 5)

Moon Camp Tentative Tract 16136 Supplemental Focused Rare Plant Survey, prepared by Dr. Timothy P. Kranz, dated June 29, 2008 (Appendix 6)

Survey of Ashy-grey Indian Paintbrush Moon Camp Tentative Tract 16136, prepared by Dr. Timothy P. Kranz, dated June 27, 2016 (Appendix 7)

Technical Review of the Biological Database for the Moon Camp Project Site, prepared by ELMT Consulting, dated May 23, 2018 (Appendix 8)

Update/Confirmation of Jurisdictional Delineation for the Moon Camp Project Site, San Bernardino County, California, prepared by FirstCarbon Solutions, dated May 28, 2018 (Appendix 10)

Long-Term Management Plan for Bald Eagle and Rare Plant Habitat Moon Camp Residential Subdivision Project San Bernardino County, California, prepared by ELMT Consulting and Dr. Timothy P. Kranz, dated August 2019 (Appendix 11)

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