



San Bernardino Valley Audubon Society

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October 19, 2020

Board of Supervisors
County of San Bernardino
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0187

E-MAIL: SupervisorHagman@sbcounty.gov; cob@sbcounty.gov

Subject: **Final Environmental Impact Report: Church of the Woods Project**
CUP #P201700270/CUP; APN 0336-101-06; SCH NO. 2004031114
For a Religious Facility consisting of a 27,364 square-foot, two-story Youth Center/
Gymnasium, recreational facilities, sports field, 41,037 square-foot, two-story
Assembly building with maximum seating capacity of 600, and a 1,500 square-foot
two-story maintenance/caretaker facility in 2 phases on a 13.6-acre portion of a
27.12-acre site.

Dear Chairman Hagman and Supervisors:

The San Bernardino Valley Audubon Society (“Audubon”) is a charitable nonprofit organization focused on protection of birds and their natural habitats in the Inland Empire. Lots of our members reside in the greater Lake Arrowhead area. We regard the San Bernardino National Forest as a priceless regional treasure in Southern California and regularly schedule field trips into the local mountains. We strongly advocate for safeguarding the unique scenic and biological resources in full compliance with the goals and policies of the County General Plan and all guidelines of the California Environmental Quality Act.

We’re disappointed that the County Planning Commission approved the Church of the Woods Project, which is one of the most extreme, controversial and destructive projects proposed in the past 30 years. It is hard to imagine a more incompatible or detrimental project to the mountain environment, to the scenic and outstanding wildlife resources of the forest and to all the residents and visitors, who enjoy the alpine surroundings of Lake Arrowhead. The invasive Church of the Woods metropolitan-style mega-assembly center does not belong next to a National Forest.

The scale of the Church of the Woods proposed project conflicts with the mountain character by being much too large and harmful to the fragile forest setting and by failing to conform with relevant policy constraints that govern development on steeply forested landforms and biologically sensitive habitat. The enormity of the adverse impacts has aroused unprecedented opposition in the community. Even the church’s Final EIR cannot avoid a conclusion that the project includes major unavoidable environmental impacts that won’t be mitigated below a level of significant harm. That’s a red warning flag on top of other severe flaws in the overall analysis.

The basic concept of carving off the forested top of the onsite summit and filling-in the adjacent lowland stream basin is contrary county policy and devastating to the integrity of a prime forest

setting. County policy expressly calls for maintaining the natural contours of the mountain environment. A cut-and-fill of some 315,000 cubic yards of earth is appalling and irresponsible for both the project site itself and the premium National Forest habitat directly adjacent. It constitutes a drastic and seismic topographical alteration. Allowing such a massive change to the natural environment would set a very detrimental precedent, especially on a site that's contiguous to National Forest on three sides. It also would adversely impact a quarter-mile of the major scenic highway it fronts. Moreover, the site contains significant riparian vegetation and habitat for rare and threatened species as well as being located within a major county-designated wildlife corridor.

OS 7.6 Require that hillside development be compatible with natural features and the ability to develop the site in a manner that preserves the integrity and character of the hillside environment, including but not limited to, consideration of terrain, landform, access needs, fire and erosion hazards, watershed and flood factors, tree preservation, and scenic amenities and quality.

Intense public concerns over negative effects of this proposed church project are fully justified. The fact that the project can only be approved on the basis of an official Statement of Overriding Consideration is just cause for mountain residents (as well as millions of visitors to the forest) to feel betrayed by a vote that ignores the basic natural scenic, watershed and wildlife values in a prized National Forest. The County is bending over backwards to circumvent its own and state policies (meant to protect rare and unique forest qualities) by accommodating a such highly flawed, harmful and invasive development. We fear that the County doesn't properly value the true significance of the priceless mountain environment.

The Church of the Woods' urban project is wholly incompatible with the "natural features" of the site by fully disrupting "the integrity and character of the hillside environment," including every speck of life on the entire building site. This can only be done by ignoring all consideration of terrain, landform, watershed, tree preservation and century-old scenic grandeur and irreplaceable National Forest qualities, i.e. ignoring what the County "requires" to "be compatible." The site features unique habitats and ecosystems onsite. The overly large project will inflict irreparable damage, including a major clear-cut of the century-old stately forest trees and massive upheaval of the hilltop setting. A project this destructive oversteps too many sound policy constraints that ought to preclude its approval. Superimposing this urbanizing campus complex on the rare wildlife habitat, steep slopes and wetland areas of such a unique and scenic forest site is not in the public interest.

The Church of the Woods' final EIR contains substantial errors as well as subtle subterfuges and misrepresentations that downplay many significant impacts of this bad project. The Church of the Woods' highly controversial project has been stalled for 18 years due to the extremity of its negative impacts. The County now seems resigned at long last to simply overlook these flaws (by way of a dubious statement of Overriding Consideration) and essentially exempt the church from fully adhering to applicable planning guidelines.

Some of the more outstanding flaws in the project's analysis and conclusions are as follows. First, the project's impacts on mountain and National Forest aesthetics have been grossly underestimated in the EIR. Nowhere does the EIR acknowledge that the site is truly scenic, that it features a beautiful forest slope with healthy and magnificent century-old trees that grace the

viewshed of a designated scenic highway in coexistence with the surrounding National Forest lands.

Aesthetics and National Forest Values

The EIR cherry-picks one isolated element out of the range of scenic qualities that fall under the category of “aesthetic” and posits that one feature as the only measure of the site’s aesthetic character. In this case, the EIR fixates on scenic vistas. Focusing on that sole criterion, the County Staff Report says “the Project site does not contain any designated scenic vistas,” pointing out that there are only views of “dense tree cover that characterizes the Project site.” The analysis fails to acknowledge that the “dense tree cover” –a verdant canopy of heroic and majestic oak trees (many being two-hundred years old) and tall magnificent conifers– actually constitutes a significant aesthetic value. The view in driving by the site is a visually uplifting experience of scenic beauty.

Audubon (and everyone who participated in drafting the Lake Arrowhead Community Plan) would further disagree with the staff report’s assessment that “No unique or unusual features occur on the Project site that comprise a dominant part of the viewshed.” On the contrary, the forest canopy and harmonious diversity of tall trees in and of itself is a genuine scenic quality. However, even more telling is the seriously misleading statement that: “Additionally the Caltrans Scenic Highway Mapping System indicates that there is no officially designated State or County Scenic Highways in the vicinity of the Project site.” That is a false and erroneous statement that is contradicted by the County’s own General Plan, where it is noted that state Route 18 (bordering the project site) is indeed a county-designated Scenic Highway, one of the most popular in all of Southern California.

OS 5.3 The County desires to retain the scenic character of visually important roadways throughout the County. A “scenic route” is a roadway that has scenic vistas and other scenic and aesthetic qualities that over time have been found to add beauty to the County. Therefore, the County designates the following routes as scenic highways and applies all applicable policies to development on these routes....

MULTIPLE REGIONS:

d. State Route 18 from San Bernardino northeast to the City of Big Bear Lake; from Big Bear Lake northwest to Apple Valley; within the Victorville sphere of influence; and from Victorville and Adelanto to the Los Angeles County line.

The report further states that: “the developed Project site would change from predominantly undisturbed forested land to a church campus with associated roadways, landscaping, recreational facilities, and infrastructure. The Project would alter views from the SR-18 corridor looking north. However, the Project would not result in substantial physical degradation of the existing visual character.”

That statement is plainly false. The total clear-cutting, massive grading and flattening of the natural contours to be replaced by walls, buildings and paved parking lots would completely degrade the existing visual character of the scenic sloping forested canopy looking north. This sort of misrepresentation of the true nature of significant impacts is prevalent throughout the church’s overall environmental analysis and report, seriously undermining its credibility.

Audubon's prior comments on the Draft EIR noted the project's conflicts with the adjacent National Forest, which surrounds the project on three sides. However, the County's response in the Final EIR sought only to dismiss these concern by obscuring and downplaying the fact itself. The response states that "the project site is located within the San Bernardino National Forest" but "is bordered to the west by residential uses, to the south by SR-18, to the north by undeveloped forest, and to the east by Daley Canyon Road." By merely acknowledging that the project is "within" the National Forest, the County downplays the seriousness of impacts that are directly adjacent to the public lands. By alluding only to roads on the south and east sides of the project, the County deceptively discounts the significant presence of the National Forest. (Also the project's east boundary directly borders the National Forest and not Daley Canyon Road, as falsely stated in the EIR). While downplaying the significance of the direct proximity of the National Forest, the County response further states that "it is unclear from this comment how the jurisdictional boundaries of the National Forest relate to the Project's impacts to biological resources or land use." A key problem for both the church and County is the failure to acknowledge legitimate significance to the aesthetic, biological, wildlife, ecological and watershed values of the National Forest, an immense public asset in Southern California. All of its qualities overlap and interweave directly with the project site and cannot simply be severed, chopped off or overridden in the extreme way that the church project proposes.

Southern Rubber Boa & Spotted Owl

Another major flaw in the final EIR and staff report is the failure to responsibly consult with the state's Department of Fish & Wildlife and the local officials of the San Bernardino National Forest.

CO 2.1 The County will coordinate with state and federal agencies and departments to ensure that their programs to preserve rare and endangered species and protect areas of special habitat value, as well as conserve populations and habitats of commonly occurring species, are reflected in reviews and approvals of development programs.

Audubon recognizes that inter-agency coordination is often difficult, but there is no question that it is essential in this case. Although the state Department of Fish & Wildlife did not submit comments on the latest version of the Church of the Woods Project, a letter was provide in June of 2010 that outlines the standard nature of DFW's regulatory jurisdiction, which is generally consistent from project to project related to mitigation within historically occupied southern rubber boa (SRB) habitat. Although Audubon appended the referenced 2010 letter with its comments on the Draft EIR, all prior 2010 submittals were disregarded. In regard to the church's SRB biotic field surveys being conducted at the wrong time of year, the Final EIR only responded that: "There are several species where even a strict adherence to conducting protocol surveys may not provide a reasonable determination whether the species is present on a site or not." That attitude indicates a superficial and unprofessional approach and does not justify scheduling surveys at a time when it's guaranteed not to find any specimens.

However, by not doing subsequent year surveys per DFW protocol, the church has accepted the alternative option of acknowledging the entire site as occupied habitat, an option that is acceptable in areas of historically occupied habitat.

Given the state's jurisdiction in this matter, it is unlikely that the county has the legitimacy or authority to 'override' the unavoidable significant impacts to the southern rubber boa, which the EIR has determined cannot be mitigated or reduced. The county also has its own obligation to protect biological resources identified on biotic overlays,

M/CO 1.4 Designate and protect unique habitats supporting rare and endangered species.

It is disturbing that the biologists, whose report is part of the EIR, followed less-than-professional practices in preparing their SRB biological report. This is evident by virtue of the dates on which field surveys were conducted, i.e. late fall and winter, the exact opposite of the optimum timeframe designated for conducting such surveys. In other words, surveys were conducted when snakes are in full hibernation, and no specimens would be found. Likewise, artificial calculations of the quality gradations of the SRB habitat in different locations of the project site were based on unreliable and insubstantial criteria. This is suspect insofar as all the 'low quality' habitat, which requires less mitigation, tends to fall within the proposed building footprint, while the higher quality habitat was found, according to the faulty methods of the hired biologists, in a proposed open space set-aside area. The Final EIR disregarded all of Audubon's comments on this point, fully accepting the disputed results of the less-than-credible biological report. However, the substandard nature of the report is likely to invalidate the value of its conclusions. That means the full impact to the unique biological resources onsite is likely to be much greater than the EIR has projected.

Although the church is proposing to set aside 13 acres of potentially undisturbed open space, it has been generally determined by DFW that any loss of qualified SRB habitat needs to be offset by securing other qualified habitat at a ratio of 3:1, i.e. three acres for every one acre destroyed. That means that the onsite 13 acres is not likely to be sufficient to offset the destruction of the larger footprint of the project, when a valid assessment of the quality of the habitat is made.

Like the state DFW, the Forest Service did not update its former comments that were submitted in June 2010. The agency is currently functioning under significant staff shortages. However, one critical point that was previously conveyed and remains relevant and important today is the status and survival needs of the California spotted owl in the San Bernardino Mountains. Although the species is classified as a federal and state species of concern, i.e. indicating rarity, the classification of "concern" is lower on the scale of species endangerment and does not automatically mandate the strictest policies for protection. However, the reality of the owl's true endangerment in the local mountains is much more critical than its classification suggests. Unfortunately, rather than acknowledge this fact based on the counsel and information offered from the Forest Service, the EIR has bluntly dismissed this critical species as an insignificant concern. It is a further indication that the project is seeking all manner of ways to avoid and circumvent responsible planning practices and the various policies that are meant to defend the public's best interest. There are several other examples in the EIR where adverse impacts, which are legitimately significant, are also discounted for inaccurate or flawed reasoning, such as is the case with the San Bernardino flying squirrel as well.

Statement of Overriding Consideration

Lastly, it's important to call attention to the fact that the justification offered in the staff report for adopting an official Statement of Overriding Consideration is entirely unconvincing and artificial. The attempt is made to identify some type of significant 'public benefit' that could conceivably be derived from the project that would unequivocally justify ignoring the major detriments that otherwise prominently characterize the Church of the Woods project. If the project is simply a private advantage to a small contingent of the overall mountain population, then it is not really legitimate to circumvent and override so many county policies and sound planning practices, while at the same time severely degrading the aesthetic, scenic, biological, land use, and public safety qualities of the existing site. People do not like to see the National Forest, which is one of the major outstanding natural treasures in all of Southern California, be unjustifiably degraded.

The staff report states that: "The County has determined that the significant unavoidable adverse project impacts related to cumulative biological resources, construction noise, transportation and traffic, and land use are acceptable and are outweighed by specific social, economic and other benefits of the project. In making this determination, the following factors and public benefits were considered as overriding considerations to the identified unavoidable significant adverse impacts of the project: ..."

A list of eight very dubious and counterfeit 'considerations' are included in an effort to make a plausible case for overriding the massive ecological destruction posed by the project. The first four considerations all make the exact same point, albeit re-stated in slightly different ways, namely that this particular church congregation wants a new church campus. That fact, however, is a purely private benefit and does not rise to the level of any kind of public benefit for the rest of the population. In fact it remains a substantial detriment.

The fifth presumed benefit is the fact that certain community activities can supposedly take place at the new church site. At best this is a very minor attribute. At worst it comes with no guarantee and amounts to nothing. In a few years the facility could be sold to a new owner, who eliminates any and all potential public use.

The sixth overriding consideration is the natural open space that the church project will leave undisturbed. This point has some potential validity. However, the massive natural area that would be destroyed tends to fully offset and cancel out any ultimate benefit.

The seventh factor is listed as the Rimforest Storm Drain project, which again is not a valid offset for the church proposal, since the storm drain project has been described as an independent and stand alone project.

The final factor references the church's energy reduction and environmentally sustainable building practices. This is predominantly a private internal church matter that confers negligible benefit to the overall general public. Audubon sees no substantive merit in the County's ostensible reasons, as stated below, to override the major detriments of the church project.

"Each benefit set forth above constitutes an overriding consideration warranting approval for the Project, independent of the other benefits, despite each and every unavoidable impact.

The county, as the Lead Agency and having reviewed the EIR and public records, adopts this

Statement of Overriding Considerations, which has balanced the benefits of the Project against its significant unavoidable adverse impacts in reaching a decision to approve the Project.”

The statement prepared by Planning Staff Report greatly stretches credibility. The nominal private benefits of the church project as weighed against the enormous site destruction and the loss of significant biological, aesthetic, wildlife and National Forest benefits does not make sense within (and adjacent) to the unique values of a National Forest. The County is unduly and regrettably focused disproportionately on misplaced urban values.

Audubon sees the stated overriding considerations as transparently insubstantial, more as pretext than objective. By contrast the many detrimental impacts still remain very significant and substantial. The stated override appears to be the only means to approve a bad project in a situation where the county does not wish to disappoint a particular land-use applicant nor spend any more time trying to correct the problems.

Audubon strongly encourage all County Supervisors to look closely at the facts and not be misled by a prepared statement that is clearly intended to unfairly skew the outcome.

We appreciate the opportunity to provide these final comments before the hearing.

Thank you for your attention to this letter.

Respectfully,



Drew Feldmann
Conservation Chair



Peter Jorris
Mountain Issues Liaison

cc: Terri Rahhal, Director of Land Use Services

Brad Singer, President San Bernardino Valley Audubon Society