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Environmental suit hangs over San Bernardino County

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San Bernardino County has had early talks with the state attorney general's office and conservation groups over a challenge to its general plan, but all sides say it's too soon to know if a resolution is in the cards.

The settlement meetings are mandatory under state law for any lawsuits involving the California Environmental Quality Act, the statute under which the county is being sued, according to attorneys involved.

State Attorney General Jerry Brown brought the suit against the county last month, accusing it of not analyzing the impact of increased greenhouse gases from future growth in its recently adopted general plan.

The document, a blueprint for growth through 2030, projects more homes and increased traffic as the county's population, now 1.7 million, climbs to 2.6 million.

It is the first time the state has sued a public agency for not taking into account global warming.

The state action came only days after the Center for Biological Diversity, the Sierra Club and the San Bernardino Valley Audubon Society sued over the same issues.

Those involved in the settlement talks -- May 9 with the state and May 16 with the conservation groups -- say it's too early to know whether the case can be settled.

"The county hasn't really determined where all this is going to lead at this point," county spokesman David Wert said.

Adam Keats, an attorney for the Center for Biological Diversity, said he hopes a trial can be avoided.

"I would say that we're hopeful that we can settle this case," Keats said. "We think it's the kind of case the county should settle."

Susan Durbin, a state deputy attorney general, said she could not comment on settlement talks.

No further settlement talks have been scheduled, according to attorneys involved.

A pretrial status conference is scheduled this morning in San

Bernardino County Superior Court, but it is expected to be continued to June 26, Keats and Durbin said.

Last week, the Board of Supervisors agreed to boost the amount of money it is spending on legal fees defending the plan to \$325,000.

The county has hired Michael Zischke, a partner with the San Francisco law firm of Cox, Castle and Nicholson, whom County Counsel Ruth Stringer described in a memo to the board as "one of the pre-eminent environmental and land use attorneys in the state of California."

Wert said the board took the action to seek expert advice as the case continues.

Both the state and the environmental groups say they want to see the county revisit its general plan to look at how its growth policies will affect global warming.

"We're not asking for the county of San Bernardino to solve global warming," Keats said. "That's not what we're trying to accomplish with this lawsuit. What we do think is the county can take some very reasonable, feasible steps to deal with that issue."

County planners have said they were a victim of timing, approving their general plan update in March, only months after the state adopted a law aimed at reducing greenhouse gases by 25 percent by 2020.

Brown said timing was a factor in the state's decision. He said the county isn't being singled out as being behind other counties in addressing global warming in their general plans.

"They were first in line," Brown said during an interview Monday in Washington, D.C.

He said many counties now experiencing fast growth are failing to plan for the increase in emissions that inevitably comes with population increases.

"Cars are arriving faster than the humans," Brown said.

He stopped short of saying that local governments should restrict growth in their communities.

But he suggested that they need to do more to "shape the growth" with population density, topography and other factors in mind, so as to reduce the environmental impact of burgeoning communities like those in Riverside and San Bernardino counties.

County planners have said that the plan includes policies that will help counter the effects of growth, but they also say the state provides no standards for measuring or reducing greenhouse gases.

"The county believes the general plan complies with the law," Wert said.

Staff writer Ben Goad contributed to this report.