

## Suit targets resort restoration

### Group challenges study of environmental effects

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SAN BERNARDINO - An environmental organization has filed a lawsuit against the city and against American Development Group, challenging the environmental study done for the Arrowhead Springs restoration project.

The Tucson, Ariz.-based Center for Biological Diversity says in its lawsuit, filed Thursday in San Bernardino Superior Court, that the city and the developer haven't adequately investigated the presence of endangered species on the site or the effects of the project on the habitat for those species.

The lawsuit also questions the safety of the project, for people as well as for animals. The area is surrounded by forest, the lawsuit says, and very little buffer is planned between fire-prone timber and the occupied structures.

"The aim (of the lawsuit) is to get an adequate review for a major development in an extraordinarily sensitive area," said Center for Biological Diversity attorney Adam Keats. "The city dropped the ball."

Keats said the environmental review that was done was a "program" environmental impact report, and wasn't detailed enough to satisfy the law.

The city maintains, however, that further environmental studies will be done if needed. It is unlikely that the lawsuit will stop or even delay the project, according to city officials.

In November, the City Council approved plans to refurbish the legendary 1939 Arrowhead Springs Hotel, add another hotel,

a golf course and 1,300 homes spread out over 1,900 acres. The massive project also includes a health spa, conference center, office complex, shops and restaurants.

The project requires that a portion of West Twin Creek in Waterman Canyon be rerouted to make way for the golf course and housing. According to Keats, the creek's rerouting would destroy the habitat for endangered species that live there.

Keats said populations of the Southwestern willow flycatcher, the California gnatcatcher, the least bells vireo, the California redlegged frog and the mountain yellowlegged frog all would be jeopardized were the project to go forward.

"This is an inappropriate development for that space," he said.

But City Attorney James F. Penman said the suit doesn't worry him.

American Development Group signed a contract with the city protecting San Bernardino from such litigation, Penman said.

Moreover, said Penman, a letter stating the environmental group's concerns was read to the council before approval of the project. Each complaint was addressed, the city attorney said.

And, Penman said, the environmental impact report might not be the last such study done.

If, as the project progresses, there's evidence that further environmental investigation is

needed, subsequent or supplemental reports can be drawn up, he said.

Thomas Thornburgh of American Development Group Inc. did not return calls seeking comment.

"This is not something we're particularly concerned about," Penman said of the suit. "This is a group that has sued cities up and down the state on similar issues.

"I don't think it's very likely that they will prevail."