

Mountain News

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Lawsuit Challenges Camp

By Glenn Barr

Spurred on by strong community support, four environmental groups filed suit Wednesday, seeking to overturn county approval of the controversial Royal Rangers adventure camp in Twin Peaks.

"It's clear from our packed town meetings that the community feels let down by the county planning department and the board of supervisors," said Dr. Hugh Bialecki, president of Save Our Forest Association (SOFA), a plaintiff in the suit filed in San Bernardino Superior Court.

The suit seeks redrafting of the project's environmental impact report (EIR), which the plaintiffs call "defective and incomplete."

"The board's approval fails to comply with critical policies of the county's own General Plan designed to safeguard public safety, unique mountain values and sound planning practices," states a press release issued by the environmental groups.

Joining with SOFA are the Center for Biological Diversity, the San Bernardino Valley Audubon Society and Christians for the Earth.

Reached by telephone Monday for comment, Bialecki was upbeat about the suit's chances.

'prospects are excellent'

"I think the prospects are excellent," he said. "There are many points not addressed adequately in the EIR. There are multiple areas where our attorneys feel our case can be made."

The plaintiffs' concerns involve alleged violations of the California Environmental Quality Act (CEQA), he said. They include disaster evacuation plans, slope-stabilization issues, the need for an adequate sewage feasibility study and the project's impact on the southern rubber boa, a nonvenomous snake living in the San Bernardino Mountains.

Depending on how the Royal Rangers respond, Bialecki predicted it could take up to three years to get a decision on the future of the site, owned by the Assemblies of God Church.

A previous case in which SOFA was a plaintiff—a challenge to county approval of the disputed Hawarden housing tract in Lake Arrowhead—took five years before the plaintiffs prevailed in appellate court, he said.

The Royal Rangers project was approved 3-0 by supervisors on Feb. 23. The suit was filed two days short of the deadline.

Opponents of the project, planned for a 50.31-acre site off Highway 189, contend its density—even in a scaled-down format—is excessive. They also say the project will require public services without generating tax revenues, will disrupt the environment and that, being located on a narrow highway, will complicate evacuation in the event of fire.

Though the suit names the county and the Royal Rangers, Bialecki said the burden of defending the EIR will fall to the Royal Rangers.

Bialecki said “the county has less financial exposure by approving the project than if it had been denied.” As it is, he said, defense costs fall on the church group. Had the project been turned down and the Royal Rangers sued, the county would have to foot the costs.

The plaintiffs’ case will be presented by two legal firms, Bialecki said. They include the Arizona-based Center For Biological Diversity and the Santa Monica firm of Chatten-Brown & Carstens.

‘this project is a no-go’

“As proposed, this project is a no-go and we think the county needs to recognize that,” said Adam Keats, of the Center For Biological Diversity. “It either needs to be changed or moved to another location.

“Our ideal would be for the court to say the EIR is defective and the approval violates both CEQA and the county’s General Plan, and send it back to the county,” he said.

If that happens, he said, “the county could abandon the project or send it back to the applicant, or it could band-aid it and put us back in the same cycle. This project is just a band-aid on a project rejected once by the county.”

Keats said the lawsuit will also seek attorneys’ fees for the plaintiffs. “That’s how nonprofit groups can even litigate these kinds of cases,” he said.

Douglas Carstens, who will actually try the case, said the lawsuit should not have been necessary.

“I wish the board of supervisors had listened to the community,” he said. “All along they had plenty of chances to fix this. This could also have been different if they’d listened to the planning staff,” which recommended the first version of the camp be denied.

Bialecki said the San Bernardino Mountains Group of the Sierra Club is expected to join the suit as a co-plaintiff.

Peter Jorris, the mountain issues liaison for the Audubon group, said Monday the plaintiffs were encouraged by Sunday’s community meeting in Twin Peaks.

“We had a very good meeting yesterday,” he said. “We framed everything in the context of raising money for the lawsuit. We basically said it was a bad project followed by a bad decision, and litigation was pretty much our only option.”

Jorris predicted the plaintiffs would need \$50,000 to finance the lawsuit, and that they had raised half that amount as of Sunday.

“It is frustrating that we must raise large sums of money and go to court to do the work that our leaders are elected and paid to do,” Bialecki said.