

Environment is basis for new lawsuit

By **KATHY PORTIE** Reporter | Posted: Wednesday, July 9, 2014 5:00 am

Changes to the Marina Point development's original plan in Fawnskin is at the heart of the Friends of Fawnskin and Center for Biological Diversity's lawsuit against San Bernardino County.

Adam Keats, senior counsel for the Center for Biological Diversity, said changes to the west side of the project include 10 home sites that he calls sail out-sail in properties. The other issue is the capacity of space, Keats said. "These are the kinds of things CEQA (the California Environmental Quality Act) is designed to shine a light on," Keats said. "We can speculate about it. The developers can speculate about it. But it takes CEQA to figure it out."

Sandy Steers, executive director of Friends of Fawnskin, said environmental issues have evolved since 1991. "This is bald eagle foraging habitat," Steers said. "There is a bald eagle nest less than two miles away and year-round bald eagle presence (in Big Bear)."

The suit also identifies an area where the developer cut down several willow trees, which is habitat for the Southwest willow flycatcher, a bird on the federal endangered species list. "We have a documented colony in Grout Creek, which isn't too far away," Steers said.

According to Irv Okovita, owner of the property, more trees were cut down on an order by Caltrans. The trees were in the way of required road improvements, he said.

Extensive tree cutting on the site left the property with fewer than 150 trees, under the required 160 trees stipulated in the 1991 approval, according to lawsuit documents. Plaintiffs claim the demolition of two old buildings on the property contaminated the site with debris containing asbestos.

Okovita sent a copy of an open letter written to Friends of Fawnskin to The Grizzly July 7, after a June 25 meeting between the developer and the environmental group was canceled. In the letter, Okovita lists what he believes are several environmental improvements to the property including enhanced aquatic habitats, installation of fish spawning shelters and planting fast-growing conifers on the jetties to attract bald eagles.

"Marina Point's mission is to create a first-class community that is aesthetically pleasing,



Dredging operation

A small island was created after dredging west of the Marina Point property. The Big Bear Municipal Water District required the dredging at that location to improve flow of the water.

environmentally compatible and enriching,” Okovita wrote. “We pride ourselves as environmentally conscious developers with a proven track record in various communities. We seek to enhance the habitat of our site to emphasize the beauty of the lake and surrounding mountains.”

The environmental groups aren’t buying it. Steers said she is confident in their case against the county. “The underlying issue is that approval has expired,” Steers said. “The basic thing is they have to re-evaluate (the project) through proper environmental evaluation and decide whether it is appropriate to approve it.”

Attempts to reach San Bernardino County officials for comment were unsuccessful at press time.

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