

# LAS VEGAS SUN

ATVs vs. Rare Butterfly In ESA Lawsuit At Nevada Sand Dune

By **SCOTT SONNER**  
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RENO, Nev. (AP) - Conservationists filed a lawsuit against the U.S. Fish and Wildlife Service on Thursday to protect a rare Nevada butterfly against off-road vehicles at a one of the largest sand dunes in the West.

The environmentalists want to force the agency to declare the Sand Mountain blue butterfly an endangered species because its habitat is being destroyed at the only place the insect is known to exist - the Sand Mountain Recreation Area about 75 miles east of Reno.

Federal protection of the insect is the only way to save it from extinction at the 600-foot tall, two-mile long sand dune where an ancient lake once existed, the lawsuit says.

The dune along U.S. Highway 50 about 25 miles east of Fallon is under the control of the Bureau of Land Management. It attracts an estimated 50,000 off-roaders annually on motorcycles, dune buggies and ATVs.

"BLM has shamefully allowed Sand Mountain to be taken over by destructive off-roading and made many political decisions

to avoid upsetting off-roaders that allow continued harm to the dunes' wildlife," said Charles Watson, director of the Nevada Outdoor Recreation Association, one of the plaintiffs.

The suit filed in U.S. District Court in Sacramento accuses the agency of violating the Endangered Species Act by failing to respond to petitions dating to April 2004 that sought federal protection for the butterfly. The act requires the government to provide a preliminary response to such petitions within 90 days and often again within a year.

"It's a stall tactic coming out of hostile politics in Washington," said Daniel Patterson, a desert ecologist for the Center for Biological Diversity based in Arizona, which joined the suit along with the Public Employees for Environmental Responsibility.

"We've waited more than 18 months and now we are having to ask a judge to tell Interior Secretary (Gale) Norton she needs to follow the law and read our petition," Patterson said.

Bob Williams, Nevada supervisor for the Fish and Wildlife Service, said there's been no action primarily because of a lack of money.

"We only get a certain amount of money a year to do listing findings," Williams said. Most of that money was spent on sage grouse and pygmy rabbit reviews the past two years, he said.

The agency plans to spend about \$35,000 on 90-day review - probably beginning in June - to determine whether there is enough evidence to warrant a full yearlong review of the butterfly, he said.

"We do know the butterfly is there and we haven't been able to find it at any other location," Williams said.

The butterfly is dependent on a unique shrub, the Kearney buckwheat, that covers about 1,000 acres of the 4,795 acres of the recreation area. It is found nowhere else.

The Fish and Wildlife Service and BLM have been working with local groups representing a variety of interests to develop a

conservation strategy apart from the endangered species process.

Tentative plans call for more signs designating approved travel routes and fencing to protect the habitat besides additional law enforcement.

BLM had tried voluntary restrictions to keep ATVs on trails but with limited success, Williams said.

"There was a lot of intrusion into the buckwheat habitat and it seemed to be progressively getting worse," he said.

Don Hicks, BLM field manager based in Carson City, admits the voluntary route system wasn't as successful as hoped.

"On peak weekends, when you've got 8,000 people out, there you get a spike in people being in places they shouldn't be," he said.

BLM reports off-road use increased 25 percent from 1993 to 2003 and continues to climb.

Hicks said the continued increase in off-road traffic at the site is "somewhat surprising" given a recent increase in permit fees and fines for violations.

Off-road groups oppose a federal listing.

"If it did become listed, no telling what type of restrictions they could do out there," said Richard Hilton of Reno, a member of the board of the Friends of Sand Mountain.

Instead, the group has joined the effort by the Lahontan Valley Environmental Alliance to develop a conservation strategy.

"We saw the writing on the wall that we are going to have to do something so we're trying to come up with a solution that everybody can be happy with," Hilton said. "We can protect it, but don't shut us out."

Jeanette Dahl, executive director of the alliance based in Fallon, said the conservation

effort involves local governments, tribes and off-road vehicle groups.

"We would prefer that rather than the federal government have to do something about it that we can do something about it locally," she said.

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