

# THE YUMA DAILY SUN

September 17, 2004

## Dune rec area remains closed

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The battle over a 49,000-acre portion of the Imperial Sand Dunes Recreation Area, temporarily closed since 2000 as a result of a lawsuit, rages on and federal authorities are uncertain when a final decision will be made about reopening it.

The fight, which pits conservation and environmental groups against outdoor and off-road enthusiasts, centers on Peirson's milk vetch, an endangered plant species and the results of a study originally used by the Bureau of Land Management as justification for closing the area.

Critics of the closure say the measure has a negative impact on the economy, costing millions of dollars in lost trips and possibly jeopardizing future tourism. Supporters say there has been decrease in tourists and the closure is necessary to protect both plant and animal life in the region.

Now, the decision to reopen the closed portion rests upon a final biological opinion by the U.S. Fish and Wildlife Service and a revised recreation management plan by the BLM. There are no definite dates when that final opinion will be made public and when the BLM will put its recreation plan into effect.

"We have a recreation plan that is ready but we are waiting on a biological opinion from Fish and Wildlife," said Gary Taylor, spokesman for the California Desert district office of the bureau.

Theresa O'Roarke, assistant field supervisor for the wildlife division in Carlsbad, N.M., said: "The final opinion will be out sometime, sooner or later."

O'Roarke said the plant's status as a threatened species is not in question. What is up in the air, O'Roarke said, is whether the revised BLM recreation plan will put the plant in jeopardy.

The BLM recently completed a four-month multi-species monitoring program and is awaiting the results, Taylor said.

Data from that monitoring will "determine the health of the Peirson's milk vetch ... in other words, do we have a good crop or a bad crop within the Imperial Sand Dunes?" Taylor said.

Peirson's milk vetch, a member of the pea and bean family, is a short-lived perennial plant that can grow to 2 feet tall and has been on the endangered species list since 1998, according to the BLM's Web site.

The lingering uncertainty of reopening the area has troubled advocates, but environmental activists say they are certain the area will remain closed.

"We thought it (the closure) was going to be lifted and it wasn't," said Ken Rosevear, executive director of the Yuma County Chamber of Commerce.

Tourism at the dunes hasn't declined in the wake of the closure, Rosevear said, but the efforts of environmentalists are a concern.

"We want to maintain it (tourism) because environmentalists are trying to shut more of it (public land) down," Rosevear said.

Elden Hughes, chairman of the Sierra Club Desert Committee, said the number of tourists going to the dunes hasn't declined.

"Chambers of commerce haven't been hurt" by the closure, Hughes said.

The Sierra Club, [the Center for Biological Diversity](#), Desert Survivors and the Public Employees for Environmental Responsibility filed a suit against the BLM in 2000 alleging the bureau was violating the Endangered Species Act. The suit stated the BLM failed to enter into a formal examination with Fish and Wildlife on the effects of the California Desert Conservation Plan, which was adopted in 1980. The lawsuit forced the BLM to make the temporary closures and to revise their recreation management plan.

"The BLM has always tried to reopen it. If they can legally open it they will. We don't think they can legally open it," Hughes said, adding his organization only wants the temporarily closed portion to remain off limits.

The environmental groups' lawsuit prompted the American Sand Association to file its own lawsuit in February 2003 to get the Fish and Wildlife Service to act.

The association argues the BLM's closure was based on the results of a study that later was deemed flawed, which the

environmental groups took advantage of, said Greg Gorman, spokesman for the association.

As a result, the association contracted for a study by botanist Arthur Phillips III showing the Peirson's milk vetch is not being threatened by off-road vehicle activity, according to a news release from the association.

Gorman contends federal authorities were "politically motivated" in their decision to keep the region closed.

"They basically ignored all the data we had," Gorman said.

In June 2004, Fish and Wildlife concluded Peirson's milk vetch should remain on the endangered species list.