

Greenwire

TRACKING POLICY, POLITICS AND THE PRESS

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Judge orders injunction on off-road vehicle use in Calif. desert tortoise habitat

A federal judge imposed a temporary injunction last week on off-road vehicle use on 571,000 acres of public land in southern California in response to environmental concerns about risks to the endangered desert tortoise. Judge Susan Illston of U.S. District Court for the Northern District of California said in her Dec. 30 ruling that off-road use "may threaten the desert tortoise." She ordered the Bureau of Land Management to prohibit off-road vehicles in desert habitat in Joshua Tree National Park and parts of Imperial, Riverside and San Bernardino counties until the Fish and Wildlife Service completes a revised biological opinion. FWS expects to complete the report by late February.

The judge did not place an additional injunction on livestock grazing or request BLM to overturn the federal land use plan, as requested by environmentalists.

In August, Illston ruled that FWS failed to adequately protect the threatened desert tortoise in California and openly questioned whether the agency is applying a sound standard for determining what activities harm species.

Illston threw out a FWS biological opinion that allowed grazing and off-road vehicle use within 4.1 million acres of designated critical habitat for the desert tortoise. The habitat acreage, overseen by the Bureau of Land Management, is located within the California Desert Conservation Area.

A coalition of environmental groups -- including [the Center for Biological Diversity](#) and the Sierra Club -- had sued the government for failing to implement standards that would aid both the tortoise's recovery and its long-term survival.

In a separate case, Illston ruled against a coalition of off-road vehicle groups that argued disease, not vehicles, was the primary source of harm to the desert tortoise ([Greenwire](#), Aug. 5, 2004).

All-terrain vehicle drivers expressed disappointment in Illston's most recent decision. "The environmentalists have hung onto the Endangered Species Act and just, to me, abused it," said Jeep driver Ben Yacobozzi. "That is happening all over the West" (Benjamin Spillman, [Palm Springs Desert Sun](#), Jan. 6).

[Center for Biological Diversity ecologist Daniel Patterson: "This \[ruling\] is a big win for the desert tortoise and other endangered species in the California Desert Conservation Area \(Chuck Mueller, San Bernardino County Sun, Jan. 4\). The court ruled that the Bush administration has been using an illegal standard for critical habitat \(Maria Alicia Gaura, San Francisco Chronicle, Jan. 6\).](#)

BLM officials said the agency does not plan to appeal Illston's decision. "We are going to implement it," said BLM spokeswoman Jan Bedrosian.

However, ATV users said this would be easier said than done, since more than 1,700 miles of off-road routes are still open for public use. "These are huge, massive enforcement areas; they need to be properly signed," said Brian Hawthorne of an Idaho lobbying group that intervened in the lawsuit. "You can't just go out and expect us to clairvoyantly know where it's legal and not legal to go" (Janet Wilson, [Los Angeles Times](#), Jan. 5). -- TE