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U.S. agrees to close desert areas, beef up protection of rare species

■ **Court:** Grazing and off-road vehicle access will be reduced in sensitive regions from Death Valley to the Mexican border as part of deal settling lawsuit

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The Bureau of Land Management and several environmental groups reached an agreement that will reduce access to roads and protect rare species in 11.5 million acres between the eastern Sierra and the Mexican border. The pact also will reduce grazing and restrict trail use in sensitive desert areas. The agreement, released Thursday, settles a lawsuit filed in March by the Sierra Club, the Tucson-based Center for Biological Diversity and Public Employees for Ethical Responsibility, an advocacy group representing government rangers and scientists.

The agreement imposes immediate restrictions on activities deemed threatening to fragile plants and wildlife. It bans grazing on 1.3 million acres of desert tortoise habitat, and requires seasonal grazing closures of another half-million acres. The settlement requires emergency road closures on 800,000 acres of crucial tortoise habitat in the West Mojave, and bars off-road access to a lush desert canyon near Death Valley. It will tighten voluntary closures of seven popular hiking trails in the Coachella Valley. It also requires the Bureau of Land Management to revise its plan for the California Desert Conservation Area to better

preserve 24 endangered species across a vast swath of land including Los Angeles, Riverside, San Bernardino, San Diego, Imperial, Inyo, Mono and Kern counties.

"It finally starts the [bureau] doing the job right toward protecting endangered species," said Elden Hughes, chairman of the Sierra Club California/Nevada Desert Committee. "They've ignored them for 20 years." The 25-million-acre California Desert Conservation Area, including 11.5 million acres of bureau land, was created in 1976. The agency drew up a plan to manage that area in 1980 but failed to seek advice from the U.S. Fish and Wildlife Service on how that plan would affect endangered species.

"They never looked at the cumulative effect of all the activities on [bureau] lands in California on the desert tortoise, the peninsular bighorn sheep, the Coachella Valley fringe-toed lizard," said Berkeley attorney Brendan Cummings, who represented the Center for Biological Diversity in the lawsuit.

The bureau's Desert District Manager Tim Salt said the agency had considered the effects of its activities on endangered species in individual areas, seeking the advice of the Wildlife Service on more than 150 occasions. But he acknowledged that the settlement commits the bureau to a swift,

sweeping review of its endangered species management across the region.

Some observers praised the deal as carefully targeted at the most biologically important areas.

"By focusing on desert riparian areas and sand dunes, they were able to target small areas that are very rich in the diversity and uniqueness of their wildlife, which is politically, economically and biologically judicious," said David Morafka, a professor of biology at Cal State Dominguez Hills and a former member of the Desert Tortoise Recovery Team.

The plan's grazing restrictions may be a lightning rod for protest, drawing the ire of ranchers who will see their grazing allotments cut to protect the desert tortoise.

"If that settlement agreement is signed by the court, it will basically eliminate the livelihood of my client," said Karen Budd Falen, a Wyoming attorney representing Dave Fisher, a rancher whose West Mojave grazing allotments are subject to seasonal closure under the agreement.

Budd Falen said she challenged the cuts during the lawsuit, and will oppose the settlement at a San Francisco court hearing next week. All parties expect a federal judge to approve the deal.

The agreement will also cut down vehicle traffic in sensitive desert areas, calling for the Bureau of Land Management to thin out spider-webbed networks of roads by as much as 75% in the West Mojave and removing roads from washes in the Colorado Desert.

An earlier provision of the settlement,

enacted in November, closed 133,185 acres of widely used off-road paths through the Algodones Dunes in Imperial County, infuriating off-road enthusiasts who gather there on weekends and during the Thanksgiving holiday.

However, a coalition of off-road groups joined the later settlement talks and signed the eventual agreement. Off-road advocates expressed satisfaction with the result, noting that although they disagreed with some of its provisions, they were able to forestall more severe restrictions on desert driving.

"There are things in the settlement that we don't like very much," said Boise attorney Paul Turcke, who represented a coalition of off-road groups. "But we felt that participating in the process was better than standing on the outside and watching someone else come up with an agreement that we didn't have part in." Nonetheless, Jeri Ferguson, natural resources consultant for the California Assn. of Four-Wheel Drive Clubs, expressed bitterness that the agreement shuttered Surprise Canyon, a waterfall-graced desert canyon near Death Valley that is favored for a form of extreme off-roading.

The canyon is occupied by several species of special concern—a lesser protection than endangered status—and is considered suitable habitat for several endangered songbirds. But Ferguson said it's unknown whether those birds actually live there. "Surprise Canyon is our major issue," she said. "It's a hard pill to swallow when there's no [endangered] species there and there is a closure."