
SATURDAY
July 28, 2007

Death Valley Off-Road Case Dismissed

FRESNO, Calif. — A federal judge has dismissed a lawsuit aimed at opening a fragile canyon streambed in Death Valley to off-road enthusiasts, parties in the case said.

U.S. District Judge Lawrence J. O'Neill dismissed the lawsuit, brought by property owners and off-roaders, citing a lack of jurisdiction.

The lawsuit pitted the rights of property owners against environmentalists, who successfully got the canyon closed to motorized vehicles more than five years ago. The canyon is home to a stunning desert oasis.

In response to the closure, more than 80 off-roaders purchased tiny pockets of private property at the top of the federally

owned canyon and sued for access to the land through the streambed.

They dusted off a Civil War-era mining law that placed the public access rights of local governments and private individuals above the rights of the federal government.

Environmental groups in the case said they were relieved by the ruling.

"This is a great day for Surprise Canyon and Death Valley National Park," said Ted Zukoski, an attorney for Earthjustice, one of six conservation groups involved in the case.

Mike Kunz, president of the Bakersfield Trailblazers off-roading club, said environmentalists had succeeded in

making the case about wildlife and not property rights.

"The bottom line is what has happened is wrong and it constitutes an illegal taking of our land," he said.

An attorney for the off-roaders, Karen Budd-Falen, said they had not decided whether to appeal. They have two months to decide, she said.