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Dunes stay off-limits to off-roaders

RULING: A U.S. judge said the Bureau of Land Management violated the Endangered Species Act.

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A federal judge Tuesday struck down a plan by the U.S. Bureau of Land Management to allow off-roading once more on large sections of desert sand dunes closed six years ago to protect a plant threatened with extinction.

U.S. District Court Judge Susan Illston, in her long-awaited ruling, sides with the Sierra Club and other environmental groups in saying the bureau violated the Endangered Species Act and other federal laws in proposing to open four areas of the Imperial Sand Dunes Recreation Area to dune buggies and other all-terrain vehicles.

"This decision is about as strong as it gets and confirms all of our concerns about the dunes environment," said Daniel Patterson, a desert ecologist with the Center for Biological Diversity, one of the plaintiffs.

For now, those areas -- nearly 50,000 acres in all or about one-third of the dunes in southeastern California, also known as Glamis -- will remain closed while the bureau reviews the ruling, said Doran Sanchez, an agency spokesman.

The ruling is a significant blow to Inland off-roaders who spend weekends at the dunes camping out in motor homes and cresting the wind-sculpted dunes that reach 300 feet high.

"It's very disappointing," said Grant George, who owns a dune-buggy shop in Rialto. "This is a place to get away from the daily grind and spend time with your friends and families."

George said he fears if the closures remain, more could be on the way. Fabian Pereyra, 37, of Riverside, said the closed areas make for an awkward time at the dunes when he's riding his sand-rail vehicle.

"Mainly you're not able to ride through it and get to your designation, or just to enjoy it," Pereyra said.

George is also president of the American Sand Association, which has vigorously fought the closures and petitioned the U.S. Fish and Wildlife Service to remove federal protection for the Peirson's milk-vetch, a member of the pea family with pale purple flowers that was listed as a threatened species in

1998.

The agency is reviewing that petition, said Jane Hendron, a spokeswoman.

Illston also ruled that the bureau relied on a flawed opinion by the wildlife service that said the dunes could be reopened without "jeopardizing" the existence of the plant. The judge said the wildlife agency acknowledged that the bureau's plan would cause significant declines of the milk-vetch.

Hendron said she couldn't comment on active litigation.

Illston also said the bureau failed to take a "hard look" at the impacts of off-roading on the plant and other rare species that live at the dunes, a violation of a key federal environmental law.

The judge ordered all parties to file briefs by March 28 detailing what they think the next step should be. At that point, she said she will decide whether oral arguments are necessary.

The portions of the dunes in question were first closed in 2000

as a temporary measure and part of a sweeping agreement between environmental groups and the bureau that limited off-roading, mining and cattle grazing across the California desert to protect endangered species.

Illston noted that the temporary closure at the dunes “is a reasonable and viable alternative for managing the dunes for multiple use and species protection” and that the bureau should have evaluated that in its management plan.