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Judge blocks plan to expand buggy access to Calif. dunes

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A federal judge struck down the government's plan yesterday to reopen thousands of acres of Southern California's Imperial Sand Dunes to off-road vehicles, saying it would violate two environmental laws. The ruling by Judge Susan Illston of the U.S. District Court for the Northern District of California was a victory for environmental groups that sued to stop the plan that they said could harm endangered species -- notably, Peirson's milk-vetch and the desert tortoise -- and other wildlife. At issue is the Bureau of Land Management's decision to allow access of off-road vehicles to 50,000 acres of the Imperial Sand Dunes Recreation Area that had been closed in 2000 to protect the endangered species.

In total, the BLM plan allows ORVs to ride on nearly 86 percent of the recreation area's 160,000 acres. The Imperial dunes stretch north 40 miles from the U.S.-Mexico border along the eastern edge of the Imperial Valley.

The area is popular with off-roaders, who flock there each weekend. The struggle between protecting the milk-vetch and allowing buggy riders to use the dunes has spurred dueling lawsuits. A coalition of ORV users sued to remove the plant from the

Endangered Species List and to reopen the area for recreational riders. The American Sand Association and other ORV enthusiasts argued that the plant is abundant in areas frequented by ORVs, as well as in restricted areas, and does not warrant protection. Yesterday's ruling came in response to a lawsuit filed against the government by the Center for Biological Diversity, the Sierra Club and the California chapter of Public Employees for Environmental Responsibility.

They argued the plan would violate the Endangered Species Act and the National Environmental Policy Act. Illston ruled that the Fish and Wildlife Service's approval of the management plan last year would wrongfully allow "significant declines" of the plant before stepping in with protective measures. "The biological opinion is flawed because it fails to explain how continued and expanded habitat degradation of almost half of the designated critical habitat for the Peirson's milk-vetch does not result in 'adverse modification' to milk-vetch critical habitat," Illston wrote.

Furthermore, she ruled the service's "incidental take" statement for the desert tortoise should be set aside "because it does not contain a meaningful standard" for taking or killing the animal. "This is a huge win for wildlife and people who care about the desert," said Daniel

Patterson, Desert Ecologist with the Center for Biological Diversity. "The court wisely told BLM to wake up, follow the law, and treat the dunes with some respect." Illston ordered the parties to file simultaneous briefs within the next two weeks on what form of relief they would propose.