

## Lawsuit Filed Over Sand Mt. Blue Butterfly

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BURKE WASSON

A group of environmental organizations claims the U.S. Fish and Wildlife Service in Nevada is dragging its feet over protecting habitat for the Sand Mountain blue butterfly and is taking agency to court.

The Center for Biological Diversity, in a joint effort with Public Employees for Environmental Responsibility and the Nevada Outdoor Recreation Association, announced Thursday that it has filed a lawsuit against the USFWS and U.S. Secretary of Interior Gale Norton for violating the Endangered Species Act.

The lawsuit stems from the fact that the Nevada division of the USFWS has taken longer than the required 90 days to answer a petition requesting that the Sand Mountain blue butterfly be named as an endangered species. The petition was originally filed in April 2004.

Nevada Fish & Wildlife Field Supervisor Bob Williams acknowledges that the agency has taken much longer than 90 days to answer the petition, but also said that a lack of necessary funding to complete the study has been the reason

for the delay.

Williams did, however, say Thursday that funding would be available for the USFWS to begin their study this year, most likely in the spring.

"Quite frankly, now that the lawsuit has been filed, I'm trying to get this thing on the radar," Williams said. "It's just a difficult situation with specific needs."

Center for Biological Diversity Desert Ecologist Daniel Patterson said he realizes that there is some truth to Williams' statement of a lack of funding, but that it is largely because Norton has not formally asked for funds in a timely fashion.

While he appreciates the fact that Sand Mountain is a popular site for OHV enthusiasts, Patterson said he is also concerned that the riding is destroying the area's Kearney buckwheat - the habitat for the blue butterfly.

In short, Patterson said he and the conservation groups would like to see more uses for Sand Mountain than just dune buggy riding.

"Sand dunes are available for anybody," Patterson said. "The multiple-use view makes sense as long as it includes protecting the habitat.

"If you can diversify management, you'll diversify visitors to Sand Mountain . Besides OHV riders, you'll get photographers and people that are into studying unique dune species. All these new visitors would be passing through Fallon."

Local groups like the Lahontan Valley Environmental Alliance have already been working toward preserving the butterfly's habitat.

The Bureau of Land Management also approved new designated routes in October 2005 for OHV riders at Sand Mountain in order to protect the habitat. BLM Associate Field Manager Elayn Briggs has said that rangers would be ticketing riders who go off the routes as soon as the new rules have been approved.

In the meantime, determining whether the blue butterfly is an endangered species is the first priority for the conservation groups.

"It's been a year and half since we filed the petition, and the lawsuit is a last resort," Patterson said. "It's a bummer

that we even have to go to court on this.

"But it's in no one's best interest to have an endangered species

clinging to its death bed forever. What we need is a long-term, sustainable management plan."