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Off-road vehicles banned from tortoise habitat

Decision pleases environmentalists, irritates cyclers

By CHUCK MUELLER,
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A federal court decision temporarily banning off-road vehicles from desert washes in tortoise habitat was hailed Tuesday by environmental groups and assailed by cycling buffs.

U.S. District Judge Susan Illston in San Francisco has ruled that all off-road vehicle use is prohibited in washes in a 571,000-acre area in eastern San Bernardino, Riverside and Imperial counties.

The ruling Thursday will remain in place until the U.S. Fish and Wildlife Service issues a biological opinion, expected in late February, on the impact of off-roading in two desert wildlife areas administered by the federal Bureau of Land Management.

"The bureau will immediately begin steps to implement the injunction, including issuance of a closure order," bureau spokeswoman Jan Bedrosian said.

The court order partially grants a motion filed by the Center for Biological Diversity and three other environmental groups to prohibit off-roading in the wildlife management regions.

But off-roaders still have access to more than 1,700 miles of designated open routes in the wildlife management areas, covering 1.7 million acres, Bedrosian said.

The judge denied a request by the environmentalists to close the regions to livestock grazing and to overturn the federal land use plan.

In August, Illston said a federal plan to protect the desert tortoise was inadequate, failing to ensure the endangered tortoise recovers from threats to its ability to survive.

A revised biological opinion is now being prepared by wildlife service biologist Ray Bransfield in Ventura.

The environmental groups that filed the lawsuit against the Bureau of Land Management, call Illston's Dec. 30 ruling a victory for the tortoise.

"This (ruling) is a big win for the desert tortoise and other endangered species in the California Desert Conservation Area. It says the Bureau of Land Management isn't properly managing critical habitat. That has to change," said Daniel Patterson, desert ecologist with the Tucson, Ariz.-based Center for Biological Diversity.

Patterson said off-road vehicles crush tortoises and their burrows and spew unhealthful pollution and dust.

But Harold Soens, president of the San Diego Off-Road Coalition, disagrees. "We have scientific facts that off-road vehicles don't hurt tortoises," he said.

Soens said tortoises are dying off in some fenced protective habitat, while they're doing well in off-road open areas in Johnson and Stoddard valleys, south of Barstow.

"More than two million acres of the California desert have been closed to public use but the tortoise is still in decline," said Michelle Cassella, vice president of the American Motorcyclist Association's District 37.

Cyclists argue that the decline of the reptile is due mainly to an upper respiratory disease and a shell disease.

Elden Hughes, chairman of the Sierra Club's California Desert committee, said students in biology 101 learn that a healthy wash habitat is vital for tortoises and other wildlife.

"Off-roaders want to ignore that ... and the Fish and Wildlife Service should know better," he said.

Ed Waldheim, president of the 3,500-family California Off-Road Vehicle Association, called Illston's ruling unbelievable. "Desert tortoises don't live in washes; they have more sense," he said. "Desert storms have more impact on the landscape than off-road vehicles ever will."

Whether the cycling group seeks an appeal of the judge's decision is up to members, Waldheim said.

More than 500,000 acres within the California desert remain open to unlimited off-roading, as well as 10,000 miles of roads and trails, Patterson noted.

"This is an important ruling, which upholds the recovery intent within the Endangered Species Act, America's most important wildlife conservation law," the ecologist said.