

Environment News Service

Court Blocks Dunes Recreation Plan

SAN FRANCISCO, California, October 2, 2006 (ENS) - A federal judge ruled last week that current off road vehicle closures at the Algodones Dunes in southern California will remain in place for the foreseeable future.

The ruling will keep in place existing protections of sensitive habitat within the nation's largest sand dune system. It follows a March 2006 ruling that ordered the closures to remain in effect until the U.S. Bureau of Land Management (BLM) revises the environmental review for the management plan and the U.S. Fish and Wildlife Service revises the critical habitat designation for an endangered plant, known as the Peirson's milk-vetch.

The off-road vehicle closures at issue encompass 50,000 acres of the 180,000-acre dune area and since 2000 have been protected for wildlife and recreation by keeping off-road vehicles in other areas. Off-road vehicle groups and BLM have pushed to curb the closures.

The court vacated BLM's decision and the environmental review for the Algodones Dunes plan (RAMP) and remanded those decisions to the agency to revise. The court previously found that the agency failed to comply with the Endangered Species Act, National Environmental Policy Act, and Federal Lands Policy and Management Act, all key national environmental laws.

The court also vacated the biological opinion from FWS that BLM relied on and remanded the biological opinion and incidental take statement to FWS to revise. FWS also must revise its decision on critical habitat for the Peirson's milk-vetch. The court ordered that protections under the 2004 critical habitat designation will remain and that the 2003 proposed critical habitat will be reinstated during the time it takes FWS to revise the designation.

"This injunction is critical to preserving the unique habitat at the Dunes for the species that depend on them," said Lisa Belenky, staff attorney with the Center for Biological Diversity, one of the plaintiffs in the case. "The court required nothing more than that the agencies comply with the law. BLM certainly knows that adequate environmental review must be completed before any changes in management at the Dunes can take place but it tried to cut corners and ignore many of the impacts of off-road vehicle use."