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Tortoise protection closes big chunk of sand to off-roaders

Half-million acres of desert off-limits to traffic, judge rules

By Benjamin Spillman
The Desert Sun

More than a half-million acres of desert washes will be temporarily off-limits to off-road driving in response to a plea on behalf of endangered desert tortoises.

The ban by a federal judge in San Francisco goes into effect immediately over a swath of desert in Imperial, Riverside and San Bernardino counties east of the Salton Sea and Joshua Tree National Park.

Tortoise backers said the ruling would save reptiles in the area from vehicles that crush the animals and destroy their habitat.

But the ruling upset off-road drivers who say they are being squeezed out of the desert by environmental restrictions.

The order calls on the federal Bureau of Land Management to keep people from driving through washes in the area until the U.S. Fish and Wildlife Service reconsiders how off-road traffic impacts tortoises.

The study is expected to take until late February.

Traffic on designated desert roads can continue.

U.S. District Judge Susan Illston said in her Dec. 30 ruling that off-road driving in the area "may threaten the desert tortoise."

Off-road enthusiasts, however, bristled at the driving restrictions imposed on about 572,000 acres of desert.

"The environmentalists have hung onto that Endangered Species Act and just, to me, abused it," Desert Hot Springs Jeep driver Ben Yacobozzi said. "That is happening all over the West."

But Illston sided with the bureau and off-road interests on five other instances in the lawsuit filed by the Center for Biological Diversity, an environmental group based in Tucson, Ariz.

The center objected to portions of the bureau's plan for the Northern and Eastern Colorado Desert area.

Rather than drawing specific off-road driving routes, the bureau designated entire zones as either off-limits or open to vehicles.

"They took whole areas of the landscape and said all the washes in this area are going to be open," said Daniel Patterson, a desert ecologist with the center.

The environmental group said the Fish and Wildlife Service needs to reconsider how the broad management approach will affect the tortoise and its habitat.

Ray Bransfield, a Fish and Wildlife Service biologist, said Illston's order and other recent court decisions challenge conventional standards of conservation.

Bransfield said the decisions seem to support improving the overall health

of endangered species.

"That is a higher standard for conservation," said Bransfield, who is charged with working on a biological opinion on the relationship between desert off-road driving and tortoise help.

"With the old standard, we could have the species just hang on," he said. "With the new standard, the species should recover."

He added that the government agencies behind the desert plan have long been making species recovery a goal of land and wildlife management under other aspects of endangered species law.

A new look at the effect of off-road traffic on tortoises is already in progress, Bransfield said.

But Richard Crowe, a bureau planner who authored the management plan, said there are too many washes in the area to designate each one as either off-limits or open.

"It is the only practical way you can go about doing this," Crowe said. "These washes go on for miles; they intersect."

Michael Connor of the Riverside-based Desert Tortoise Preserve Committee said the off-road rules should be rewritten to minimize driving in washes because that is where tortoises congregate.

Connor said tortoises can't defend themselves or their habitat from traffic through the washes, which cover most of the terrain in the area.

"They pull their legs in and scrunch down," Connor said, describing how the reptiles retreat into their shells.

"That is fine if you are trying to avoid a regular predator. It doesn't work if you are trying to avoid an SUV," he said.

Connor said traffic is more frequent in the winter, when tortoises are active, and that it can crush plants the reptiles use for shade and for food.

But Ed Waldheim of the California Off-Road Vehicle Association said the suggestion that off-road traffic in washes hurts tortoises "is totally fraud." Waldheim characterized Illston as a "liberal" and said she ignored evidence showing that tortoises do not spend most of their time in washes.

"We don't go over bushes, we don't go over animals," Waldheim said. "We are so insignificant in the big picture of things it is not even worth mentioning."

Linda Hansen, district manager of the bureau's California Desert District, said the government is already working to enact the order.

She said land managers are considering a combination of signs, public education and, possibly, fines to enforce the ban.

"We need to be acting on this very quickly," Hansen said.

"If it is an order of the court, we follow the order of the court. There is no choice there," she said.

But Hansen questioned whether the ban would actually help tortoises.

Hansen said off-road traffic in the area of the ban is rare.

She defended the bureau's management approach.

"We didn't believe these proposals would significantly impact the tortoise," Hansen said.