

## Move on desert land plan contested

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San Bernardino County supervisors announced Tuesday that they voted in closed session to join in defending a desert wildlife habitat conservation plan from an environmental lawsuit.

Should the U.S. District Court in San Francisco allow the county to participate in the suit, San Bernardino County would have the right to argue in front of the court and participate in any future settlement talks on the West Mojave Plan.

Stopping the suit is critical to allowing road maintenance, public safety access, and waste disposal in areas covered by the plan, said Robin Cochran, a deputy county counsel.

"There's a lot at stake to see that the right thing happens here," she said.

The West Mojave Plan is the largest habitat conservation plan nationwide, regulating activities on 3.3 million square acres of land. In return for some parts of the desert being reserved as critical wildlife habitat, the plan reduces environmental restrictions in less sensitive areas. San Bernardino County was a lead agency in the plan's design.

Approved in March of this year, the plan failed to protect the desert tortoise and several plant species, several environmental organizations have argued. In a suit filed in August, The Center for Biological Diversity alleged the plan illegally permitted disastrous amounts of off-highway vehicle use and asked for an injunction barring the federal Bureau of Land Management from "issuing any permit, approval, or other action" for any activity that would adversely affect the desert tortoise or three plant species.

"This (the injunction) would theoretically shut down the use of the desert," said Randy Scott, the county's Land Use Services director. "Various environmental groups just aren't happy unless the only use of the desert is to keep the desert tortoise alive. It's a worthy goal, but the BLM has other responsibilities."

The Center for Biological Diversity could not be reached for comment. The group has won significant concessions in the Western Mojave from the BLM in the past, such as a 2001 settlement that heavily restricted cattle grazing.

In the grazing case, the county sought to intervene as well, said Brad Mitzelfelt, chief of staff for Supervisor Bill Postmus, whose 1st District includes a large swath of the BLM desert land.

But the county was denied entry to the suit then, Mitzelfelt said, barring it from having a stake in the settlement negotiations. When the BLM agreed to the grazing restrictions, Postmus accused the agency of trampling property rights.

Because of the county's role in designing the West Mojave Plan, Mitzelfelt said he was optimistic this time that the court would grant the county legal standing.