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News, Views & Culture of the Eastern Sierra

Adventure Trails inspires lawsuit

by Katie Vane in Sports and Outdoors
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The Center for Biological Diversity (CBD) and Public Employees for Environmental Responsibility (PEER) announced on Feb. 19 that they will be suing Inyo County over the Inyo Board of Supervisors' approval of the Adventure Trails System on Jan. 22.

The Adventure Trails System is intended to link Off Highway Vehicle (OHV, also known as Off Road Vehicle, or ORV) use areas with service and lodging facilities, with the hope that it will promote OHV tourism and bring a much-needed economic boost to struggling towns.

The Trails System has been controversial in Inyo County since its proposal in 2012, owing chiefly to the concern of some County residents that it will pose noise, air quality, and safety issues, as well as negatively impact public lands.

The County only approved seven out of 36 proposed trails in the Adventure Trails System; however, the Board's approval of the project's CEQA EIR (State required Environmental Impact Report) opens the door for future trails without further environmental review.

According to the CBD press release, "The proposal would increase ORV traffic, noise and air pollution in the eastern Sierra, Owens Valley and beyond, as well as increase degradation of streams and wildlife habitat. Affected towns include Bishop, Lone Pine and Big Pine."

CBD Senior Scientist/Public Lands Desert Director Ileene Anderson called the Trails System "a disaster in the making," arguing that "It's opening the floodgates to illegal ORV activities that hurt wildlife, foul the air, generate noise pollution and harm people's safety."

Anderson argued, like some Inyo County residents during the Board's deliberation on the Trails System in January, that OHVs are not intended for use on paved roads. "Allowing vehicles that even the manufacturers recommend to not drive on paved roads, that lack headlights, turn signals, etc., to mingle with traffic and pedestrians is a recipe for serious accidents," she said. "Inyo County is taking on a huge liability, as it must indemnify the State too if any litigation from accidents occur."

The CBD's primary concern, said Anderson, is that "The EIR did not evaluate the impacts of additional ORVs on lands that are habitat for plants and animals and key waterways and water quality issues," she said.

“This action sets up more situations for illegal behavior that could damage sensitive wildlife and other resources—like cultural sites, wet meadows, etc. —not to mention air quality and safety issues for residents and visitors alike.

“We’re not trying to shut down the roads,” Anderson concluded, “just keep them safe.”

California PEER Director Karen Schambach added that PEER believes an appropriate trail system “already exists on public lands. The [Adventure Trails] proposal is to allow non-street legal dirt bikes and ATVs to use County roads to travel from the trail system to services in towns. The impacts that are likely to occur from expanding ORV use to County roads are not mitigable, because experience has demonstrated that it is not possible to enforce mitigations.”

Schambach argued that enforcement of the Trails System would be challenging at best, considering “These vehicles carry no visible identification, so it is impossible to cite or prosecute violations. Ask local Bureau of Land Management and Forest Service law enforcement how many citations they’ve issued over the past year for resource damage trespass ... How would the requirements for licenses and insurance be enforced, without stopping every rider? The protective clothing and helmets don’t allow law enforcement to recognize under-age and unlicensed riders.”

Like Anderson, Schambach contended that “The ATV industry has repeatedly warned against using these vehicles on paved roads.”

Moreover, she added, “The economic benefit promised by advocates are not supported by the environmental analysis. In order to see any benefit, there would have to be thousands of these vehicles driving to and through towns.”

Inyo County Counsel Marge Kemp-Williams said that now that the lawsuit has been filed, the Center for Biological Diversity will prepare an administrative record, and the County will have 30 days to respond. “The matter ultimately goes before a judge,” she said. “I don’t know the speed with which things will proceed here ... I’ve been in counties where lawsuits like this move quickly, or move like a turtle.”

When asked about the merit of the lawsuit’s allegation that the Inyo Board’s approval of the Adventure Trails System EIR was an abuse of discretion, Kemp-Williams said simply, “My position is there is none.”