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California & the West

Posted on Thu, Jan. 18, 2007

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Environmentalists seek to join case over Death Valley roads

GARANCE BURKE
Associated Press

FRESNO, Calif. - Six environmental groups filed legal papers Thursday to join Death Valley National Park in fighting a federal court lawsuit that, if successful, could open miles of desert canyons and valleys to motorized vehicles.

Last October, Inyo County sued the federal government seeking to re-establish its access to four dirt roads near the Nevada border that park officials seized when the national park was established in 1994.

The environmentalists say the old mining roads were washed away years ago, and allowing vehicles into those areas now could endanger sensitive animal and plant species found in remote stretches of the desert.

"All of these are places where you can really enjoy the fantastic scenery and the stillness of the largest national park in the lower forty-eight (states)," said Ted Zukoski, an Earthjustice attorney representing the groups.

If Judge Anthony Ishii grants the motion to intervene, the Sierra Club, Friends of the Inyo, California Wilderness Coalition, Center for Biological Diversity, The Wilderness Society and the National Parks Conservation Association would become parties to the suit.

If the county prevails, the groups believe the park's fragile ecosystem could suffer, to the detriment of the federally protected desert tortoise, desert bighorn sheep, mountain lions and other rare wildlife that roam there.

"Even the designation of a national park is not enough to keep people who want to use motorized vehicles out of these areas to protect the resources," said Lisa Belenky, a staff attorney with the Center for Biological Diversity.

The environmentalists see the disputed area as desert canyons and valleys, which the Bureau of Land Management found to be "roadless" years ago.

But the county views the same area as approximately 20 miles of established roadways that can be widened to two lanes to accommodate increased traffic as needed, according to a suit filed on Oct. 24.

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Inyo County's lawsuit cited a Civil War-era mining law that allowed local governments to build highways over some public lands. According to the 1866 mining law, the county has the right to preserve the public right-of-way on the old roads, Assistant County Counsel Randy Keller said.

"These roads have been there for 100 years," Keller said. "The way we look at it, they were taken."

The environmental groups seek to intervene to defend just three of those roads.

The same mining law is being invoked in another case in nearby Surprise Canyon, an area just outside Death Valley's boundaries. There, off-road drivers and environmentalists are squaring off over whether the canyon and its spring-fed waterfalls should be closed to vehicles.

Off-roaders have no role in the legal action brought by Inyo County, but drivers stand to benefit from the suit, Keller said.

"It's a public road, and the county's desire is to see that the public's right to traverse these roads continues," he said. "That's part of the idea. They're recreation routes that people use to drive through the desert."

The parties have asked for a hearing on March 12, said Zukoski. The court could rule anytime after that.



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