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### SUWA Loses Off-Road Vehicle Lawsuit

Eco-group had sought to close several wilderness study areas

*BRENT ISRAELSEN THE SALT LAKE TRIBUNE*

Utah environmentalists have lost a major battle in their crusade to end off-highway vehicle abuse on public lands. U.S. District Judge Dale Kimball has dismissed the bulk of a lawsuit the Southern Utah Wilderness Alliance (SUWA) filed last year against the U.

S. Bureau of Land Management (BLM).

Off-highway vehicle (OHV) enthusiasts called Kimball's ruling a "stunning victory" over SUWA's "management through litigation" approach to public-lands issues.

"The court recognized that administrative agencies, not federal courts, are the proper place to create effective solutions to recreation management challenges," said Paul Turcke, attorney for the Salt Lake City-based **Utah Shared Access Alliance** and the Pocatello, Idaho-based Blue Ribbon Coalition.

SUWA vowed to appeal Kimball's decision, saying OHV problems are on the radar screens of environmental groups around the West.

"This issue is not going away," said SUWA attorney Heidi McIntosh.

The environmental group had asked the judge to order BLM to close several proposed wilderness areas and other BLM lands to SUVs, motorcycles, all-terrain vehicles and other off-highway vehicles.

But Kimball, who held a six-day hearing in September, this week released an order denying SUWA's request for a preliminary injunction that would have closed the proposed wilderness areas to OHVs. Kimball also dismissed most of SUWA's claims against the BLM for the agency's alleged failure to address OHV damage to soils, streams and wildlife habitat.

Kimball ruled that while SUWA has "presented significant evidence" that OHVs are impairing the public lands, the group did not show the BLM has "failed to act" in meeting its mandate to protect the lands from degradation.

The judge, who earlier this year was reversed for his decision to close a popular OHV route in Canyonlands National Park, noted that BLM is taking steps to address OHV problems.

Though SUWA says OHV problems are at near-epidemic levels in Utah, the group's lawsuit sought specifically to ban OHVs in and around wilderness study areas at Parunuweap and Moquith Mountain in Kane County, Behind the Rocks in San Juan County and Sids Mountain in Emery County.

The lawsuit also alleged OHV abuse near Indian Creek in San Juan County, at Factory Butte and Wildhorse Mesa in Emery County and at North Caineville Reef in Wayne County.

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