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Supreme Court slaps down SUWA

Off-roaders cheer as bid to bar them from BLM land fails; Foes savor SUWA's defeat

Robert Gehrke The Salt Lake Tribune

WASHINGTON -- The Supreme Court unanimously rejected a bid by the Southern Utah Wilderness Alliance to force the Bush administration to limit off-road vehicle traffic in potential Utah wilderness areas -- a decision praised by off-road enthusiasts. Attorneys for the environmental group had argued that the Bureau of Land Management had an obligation to crack down on off-road vehicle use to protect several potential wilderness areas.

But Justice Antonin Scalia, writing for the court, said forcing the BLM to act would insert the court into the day-to-day operations of the agency.

A ruling in SUWA's favor "would divert BLM's energies from other projects throughout the country that are in fact more pressing. While such a decree might please the environmental plaintiffs in the present case, it would ultimately operate to the detriment of sound environmental management," Scalia wrote.

"It's the best news we've had in a long time," said Rainer Huck, president of the **Utah Shared Access Alliance**, an off-road vehicle group. He said the ruling would "help break SUWA's stranglehold on management of our public lands through litigation."

SUWA attorney Heidi McIntosh said the group will keep trying through other administrative, legal and congressional avenues to force the BLM to act.

Huck, she said, "should know us better than that. Were not folding up our tent and going away."

The 5-year-old case centered on the BLM's management of federal land in Kane, San Juan and Emery counties. Environmentalists argued the land is pristine and deserves to be protected as wilderness and that the BLM has a legal obligation to protect the land from damage by off-road vehicles until a decision is made on wilderness designation.

The BLM had failed to stop the off-road damage, SUWA said, and SUWA sued to force the BLM to take action.

Interior Department spokeswoman Tina Kreisher said the administration welcomed the ruling, which will allow land managers to "use their expertise to make day-to-day management decisions without unnecessary litigation."

"We've about had it in Utah with environmental groups trying to micromanage, through the courts, decisions that should be left to the professionals on the ground," said Sen. Orrin Hatch. "Today, the Supreme Court has said, 'Enough is enough, let's let the professionals do their jobs.' "

But McIntosh said the whole point of the lawsuit was to try to get the BLM to do its job and protect the federal land. Without legal recourse, the land-use plans prepared by the BLM are meaningless, she said.

Had SUWA prevailed, the effects of the ruling could have been far-reaching. Not only could the BLM have been forced to follow the land-use plans it has for the 261 million acres under its authority, but groups could have sued any government agency to force a federal action.

And off-road groups had already prepared a list of route designations and land-use decisions pending before the BLM that they could seek to resolve through lawsuits, said Brian Hawthorne, public lands director for the Blue Ribbon Coalition, a group that seeks access to public lands for motorized recreation.

"We're reluctant litigators," Hawthorne said, but "the litigation door that would have been opened in this case swings both ways."

Still 'One nation under God'

The Pledge of Allegiance remains as is after the Supreme Court turns back a lower court ruling that the "under God" reference is unconstitutional. But the possibility of another challenge is left open.

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In other cases: Decisions on sexual harassment, phone competition and vitamin prices. Pages A10, E2
Caption: Schoolchildren recite the Pledge of Allegiance Monday in Elk Grove, Calif.

Rich Pedroncelli/The Associated Press

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