

Judge dismisses Calif. off-roading rights case

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FRESNO, Calif.—A federal judge has dismissed a lawsuit that attempted to open a fragile canyon streambed in Death Valley to off-road enthusiasts, according to parties in the case.

U.S. District Judge Lawrence J. O'Neill dismissed the lawsuit, brought by property owners and off-roaders, earlier this week, citing a lack of jurisdiction.

The lawsuit had pitted the rights of property owners against environmentalists, who successfully got the canyon—which holds a stunning desert oasis—closed to motorized vehicles more than five years ago.

In response to the closure, more than 80 off-roaders purchased tiny pockets of private property at the top of the federally owned canyon and sued for access to the land through the streambed.

To buttress their case, the off-roaders dusted off a Civil War-era mining law that placed the public access rights of local governments and private individuals above the rights of the federal government.

Environmental groups involved in the case said they were relieved by the ruling.

"This is a great day for Surprise Canyon and Death Valley National Park," said Ted Zukoski, an attorney for Earthjustice, one of six conservation groups involved in the case.

Mike Kunz, president of the Bakersfield Trailblazers off-roading club, said environmentalists had succeeded in making the case about wildlife and not property rights.

"The bottom line is what has happened is wrong and it constitutes an illegal taking of our land," he said. "This is going to be a long-term battle. These people have really bastardized the environmental movement."

An attorney for the off-roaders, Karen Budd-Falen, said they had not decided whether to appeal the judge's dismissal. They have two months to decide, she said.

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