



## Press Release

### Federal Judge Dismisses Off-road Vehicle Suit in Death Valley National Park

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*Private group can't turn Surprise Canyon creekbed into highway*

**July 25, 2007**

**Fresno, CA** -- A federal court has denied an attempt by off-road vehicle enthusiasts to reopen a rare, fragile desert stream in Death Valley National Park to extreme vehicle use.

The group had sued the federal government, claiming rights to the stream bed under a repealed Civil War-era law known as R.S.2477. District Court Judge Lawrence J. O'Neill dismissed the suit for lack of jurisdiction.

"It's a great day for Surprise Canyon and Death Valley National Park," said Ted Zukoski, an attorney for Earthjustice, representing six conservation groups involved in the case. "This place is a miracle -- a gushing stream running through the desert. We're pleased the court denied an attempt to turn this marble canyon's waterfalls into a highway."

"Surprise Canyon is, without a doubt, a special place. Today the court took one more step toward ensuring the protection of the canyon and the web of life it supports," said Chris Kassar, Wildlife Biologist with the Center for Biological Diversity. "The unique character of this desert oasis becomes more and more apparent with each step. Cool water fills your shoes, flycatchers flit from branch to branch and thick stands of willows and cottonwoods sway in the breeze against a backdrop of steep multi-colored cliff walls."

The suit is one of a number of claims by local governments and private groups in the West, hoping to prove that obscure trails and tracks are theirs to use under the R.S. 2477 law, which grandfathered in existing rights-of-way up to the time of its repeal in 1976.

"We are thrilled," said Deborah DeMeo, program manager for the National Parks Conservation Association. "The dismissal of this suit means that Surprise Canyon Creek in Death Valley National Park, and the habitat and wildlife that it supports, will be preserved for future generations to enjoy."

Extreme off-road vehicle use would have damaged the canyon's unique character, including waterfalls, towering cottonwoods and lush willows that provide habitat for desert bighorn sheep, endangered birds, and rare species found nowhere else on earth except Surprise Canyon and nearby areas.

Intervention in the suit on behalf of the federal government had been sought by these groups represented by Earthjustice: National Parks Conservation Association, Center for Biological Diversity, Public Employees for Environmental Responsibility, Sierra Club, California Wilderness Coalition, and The Wilderness Society.

[Read our previous news on this suit](#)

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Surprise Canyon  
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Earthjustice is a non-profit public interest law firm dedicated to protecting the magnificent places, natural resources, and wildlife of this earth and to defending the right of all people to a healthy environment. We bring about far-reaching change by enforcing and strengthening environmental laws on behalf of hundreds of organizations and communities.

