

**Wilderness Watch
Grand Canyon Chapter of the Sierra Club
Grand Canyon Wildlands Council
Western Watersheds Project**

NEWS RELEASE

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Conservation Groups Win Case to Protect KOFA Wilderness
Construction of artificial water tanks violated the Wilderness Act.

A coalition of local and national conservation groups, including Wilderness Watch, Arizona Wilderness Coalition, Grand Canyon Wildlands Council, Western Watersheds Project, and Grand Canyon Chapter of the Sierra Club, won an appeal at the Ninth Circuit Court of Appeals challenging a US Fish and Wildlife Service (USFWS) decision to construct water developments, called “guzzlers,” in the Kofa Wilderness. Conservation groups had filed a lawsuit in June of 2007 after learning that the USFWS had constructed a 13,000-gallon guzzler within the Kofa Wilderness and was planning to install another similar structure.

Following a decline in the desert bighorn population in 2006, the USFWS issued a Categorical Exclusion (CE) under the National Environmental Policy Act (NEPA) to construct the guzzlers. The agency provided no public notice of—or opportunity to comment on—the CE or the decision to construct the guzzlers. Arizona Game and Fish and the Yuma Valley Rod and Gun Club partnered with the USFWS in the building of the guzzlers. In 2008, the District Court in Phoenix ruled in favor of the USFWS. The Ninth Circuit’s ruling reversed the district court.

“The Appeals court found that the Fish and Wildlife Service failed to show that constructing the tanks met the requirements of the Wilderness Act and were necessary to preserve Kofa’s wilderness character,” stated George Nickas, Executive Director of Wilderness Watch.

Congress designated the 516,000-acre Kofa Wilderness in 1990. The Wilderness comprises more than 80 percent of the Kofa National Wildlife Refuge, which was established by President Franklin D. Roosevelt in 1939 as the Kofa Game Range. The Refuge is home to such native wildlife as the desert tortoise, white-winged dove, mountain lion, mule deer, and desert bighorn sheep.

“The Kofa Wilderness is an amazing area with diverse species of plants and animals that thrive under the protection afforded by wilderness,” said Sandy Bahr of the Sierra Club. “The Wilderness Act gives these lands greater statutory and practical protection. The conclusion of the Ninth Circuit in this case affirms those protections.”

The plaintiffs are represented by Peter M.K. Frost of Western Environmental Law Center, and Erik Ryberg, a Western Watersheds Project attorney.

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