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Of politics and the river

western roundup - August 6, 2007 by *John Dougherty*

An Arizona congressman and a military base threaten the last free-flowing river in the desert Southwest

PALOMINAS, ARIZONA

A longtime water expert for the U.S. Geological Survey is predicting that the last free-flowing river in the desert Southwest will stop flowing because of excessive groundwater pumping.

"The San Pedro River will run dry, even if they shut off all the pumps tomorrow," says Robert Mac Nish, the former district chief of water resources in Arizona for the USGS. "Nothing is poised to take the necessary steps to save the river. Everyone is standing around and wringing their hands and doing studies. In the meantime, the river is going to go dry."

The San Pedro Watershed includes the nation's first national riparian conservation area, established by Congress in 1988 to "protect and enhance" habitat for some 300 bird species. Mac Nish's gloomy assessment comes just weeks after the U.S. Fish and Wildlife Service issued a controversial biological opinion allowing the San Pedro River Valley's primary economic engine — Fort Huachuca and the U.S. Army Intelligence Center located there — to add 3,000 personnel to the more than 12,000 soldiers and family members who live on and off post.

Environmental activists have long argued that Fort Huachuca expansions trigger groundwater-dependent development outside the military installation in areas that threaten the San Pedro. Mac Nish says the June 15 biological opinion "doesn't make sense" and only worsens an already dismal outlook for the river.

The biological opinion is controversial not just for its environmental conclusions, but also for its political dimension — a dimension that includes the federal grand jury investigation of Arizona Congressman Rick Renzi.

The recently completed Endangered Species Act evaluation of Fort Huachuca focused on a plant called the water umbel. The review reached a conclusion that was surprising to many environmentalists: Expansion of the fort would have no impact on the water umbel, considered a key indicator of the San Pedro's health.

But the evaluation was conducted under constraints — contained in a rider to a Defense Authorization bill that Congress passed in 2003 — aimed specifically at Fort Huachuca.

And that rider was no ordinary rider.

It was championed by Renzi, a three-term Flagstaff Republican whose congressional district includes neither Fort Huachuca nor the San Pedro River. And it required the Fish and Wildlife Service to look only at environmental impacts caused directly by federal personnel when it prepared its opinion on Fort Huachuca expansion.

Private economic activities — new domestic wells that only need state and county permits, for instance — would normally be included in the analysis for such an opinion, says Jeff Humphrey, a spokesman for the wildlife agency. But, Humphrey says, "Our ability to do that was removed by that legislation."

It's impossible to say whether the outcome of the biological opinion would have been different if Renzi's rider had not been enacted, Humphrey says: "That would be sheer speculation."

And spokeswoman Tanja Linton says the Army has made no decision on whether or when Fort Huachuca might expand operations.

All the same, Fort Huachuca currently accounts for about two-thirds of all business activity in rapidly growing Sierra Vista and unincorporated Cochise County, injecting \$830 million a year into the local economy.

It seems reasonable to wonder whether the potential for an expanding Fort Huachuca could increase the value of nearby private property — such as an irrigated field once owned by one of Congressman Renzi's business partners. That field is now apparently part of a federal grand jury investigation.

In early 2005, Renzi began negotiations with two private groups seeking to exchange environmentally sensitive private land for federally owned land. Though never consummated, those proposed trades have garnered headlines in the national press and attention from the FBI.

In both proposed trades, Renzi asked the private groups, which wanted to acquire the public land for development purposes, to purchase a 480-acre irrigated alfalfa field a half-mile west of the San Pedro River. The field was using up to 1,500-acre feet of water a year, enough to have a direct impact on flows in the nearby river, hydrologists say.

But this field was not just any field. It was owned by James Sandlin, a former business partner of Renzi who'd purchased it for \$960,000 in February 2000, property records show.

In May 2005, Sandlin sold the 480 acres for \$4.5 million to one of the groups seeking to trade for federal land, Preserve Petrified Forest Land Investors LLC, an Arizona partnership that lists former Interior Secretary and Arizona Gov. Bruce Babbitt in its management. Preserve Petrified Forest had received Renzi's assurance that he would support a land swap of the San Pedro acreage for federal property in central Arizona the partnership wanted to acquire, the *Wall Street Journal* has reported.

On the day that Sandlin sold the alfalfa field to Preserve Petrified Forest, apparently making a \$3.5 million profit, he sent \$200,000 to a company owned by his former partner, Renzi.

Soon after the land sale, a lobbyist for the other private group interested in a federal land swap, Resolution Copper Co., complained to Renzi that Preserve Petrified Forest had received preferential treatment. According to the Associated Press, Renzi later dropped support for Preserve Petrified Forest's land swap, and neither of the land swaps has occurred.

Last April, the FBI raided Renzi's business office, which includes a family-owned insurance company. Several news outlets have reported that he is the focus of a Tucson-based federal grand jury investigation. He has temporarily resigned from several House committees, including the committee that oversees land exchanges.

Calls to Renzi's office seeking comment about the San Pedro River and the Sandlin land sale were not returned, and attempts to contact Preserve Petrified Forest's managers, including Babbitt, were unsuccessful.

Former Arizona Attorney General Grant Woods, who represented Renzi last fall, said then that the congressman wanted Sandlin's land to be swapped to the federal government to protect the river and Fort Huachuca operations. Woods said Renzi walked away from the proposed land swap when people questioned his role in the deal, according to the AP.

"He was trying to do the right thing and help a wide variety of constituents out," Woods said. "The minute he heard anyone insinuate there was a problem, he said, 'Fine,' and walked away."

Last October, Guy Inzalaco, a top manager with Preserve Petrified Forest, was quoted in the *Washington Post* as saying that he hadn't known that Renzi and Sandlin had once been business partners. Inzalaco told the Associated Press he didn't know why Renzi never followed through with the land-swap legislation, leaving his company with 480 acres of environmentally sensitive land. "We feel we've been somewhat victimized here," Inzalaco said.

Preserve Petrified Forest is now offering to sell the 480 acres for \$5.2 million, says Sierra Vista Realtor Beth Wilkerson, the listing agent for the land.

Wilkerson says the land is zoned to build up to 161 homes and has unlimited water available for development. "The owners are highly motivated to get rid of this parcel," she says.

Proposed land swaps and questionable federal legislation aside, it's clear the San Pedro is in trouble.

Mac Nish's flat declaration that the river will dry up is the starkest warning to date. It's a warning that carries weight, given Mac Nish's 30-year tenure in Arizona, at USGS and as an adjunct professor at the University of Arizona.

Early this July, the San Pedro River nearly ran dry at a key monitoring station known as the Charleston gauge. The river recorded no flow there in July 2005 and July 2006.

Flows at the Charleston gauge — a location where bedrock forces groundwater to the surface — have been monitored for more than 70 years, and, before 2005, the river had never run dry there. Scientists and environmentalists blame a combination of drought, water absorption by streamside vegetation and excessive groundwater pumping for the decreased summer flows.

Mac Nish says groundwater withdrawals over the last 50 years have created a deepening and widening "cone of depression" that has now reached the San Pedro and "will continue to deepen at the river even if the pumps are shut off."

The San Pedro, he says, is only beginning to feel the impacts of past groundwater pumping.

The city of Sierra Vista, which lies 12 miles west of the river, has been growing at more than 2 percent a year for the last 15 years, reaching a population of 44,870 in 2006. The city's population is projected to reach 51,000 by 2011, and there are tens of thousands more people living in adjacent unincorporated areas.

That growth rate doesn't bode well for the river. In 2002, groundwater pumped out of the San Pedro River Basin exceeded replenishment by 5,144 acre-feet per year, according to Robin Silver of the Center for Biological Diversity, a Tucson-based

environmental group. By 2006, groundwater pumping exceeded replenishment by 11,300 acre-feet — or almost 3.7 billion gallons — per year, Silver says.

Despite the clear connection between groundwater withdrawals and the health of the river, Mac Nish says community leaders have avoided taking the necessary steps to save the river.

"I've been working on that basin since the late '80s, and starting in 1990, it became apparent that groundwater pumping was going to have a pretty strong impact on the river," Mac Nish says. "We talked to county officials, city officials, fort officials about the river. But everybody kept looking for other explanations for why the river seemed to be drying up."

The Upper San Pedro Water Partnership, a group of water users authorized by Congress to find ways to save the river, hopes to reduce groundwater pumping immediately adjacent to the river by purchasing property and conservation easements, rather than addressing groundwater depletion caused by water use in Sierra Vista.

"This is such an urgent issue that there is a need to focus on the direct and immediate impacts on this river system, because we are right on the edge," says Holly Richter, chairwoman of the partnership's technical advisory committee. "If we don't solve the short-term impact issues now, there won't be a river to conserve later."

The author is a contributing editor from Tempe, Arizona.

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