

Sierra Vista Herald

Opinion gives fort breathing room

BY BILL HESS

Herald/Review

Published on Saturday, June 16, 2007

FORT HUACHUCA — The post's environmental stewardship has led a federal agency to conclude the fort's presence in the Upper San Pedro River Basin is "not likely to jeopardize the continued existence of any federally listed species or adversely modify their critical habitat," Garrison Commander Col. Jonathan Hunter said Friday morning.

The U.S. Fish and Wildlife Service released its newest biological opinion about the post on Friday.

While some see the new biological opinion as good news, Hunter and others also say the fort and civilian community that share the Upper San Pedro River Basin are not off the hook in continuing to conserve water and finding ways to mitigate water use.

The Upper San Pedro Partnership's congressional mandate to bring the basin's water sustainability into balance by 2011 remains an integral part of the opinion, the garrison commander said.

A joint post and Fish and Wildlife Service press release on Friday noted the fort has reduced its water use by 50 percent since 1993.

Sitting in his House Friday morning, Hunter said the document also allows the fort to increase the number of people assigned to it "by up to 3,000" persons.

"The number of people Fort Huachuca employs is currently approximately 13,000 personnel and could go up to 16,000 personnel to meet the nation's and Department of Army requirements," a portion of the 202-page opinion states.

The post was limited to a work force increase of no more than 500 people, according to the previous biological opinion.

The San Pedro River and its nearby riparian habitat are home to several endangered or threatened species — including the Huachuca water umbel and southwestern willow flycatcher. The report concludes the fort's efforts to minimize water use and its effect on the watershed have been successful.

The Army's efforts to manage nearly grasslands, canyons and mountains also help protect the Mexican spotted owl, lesser long-nosed bat and Sonora tiger salamander.

The river begins in Sonora, Mexico, and runs 140 miles north to the Gila River at Winkelman. It is the last free-flowing river in the southwestern desert.

Critic not satisfied

Phoenix physician Robin Silver, a longtime post critic, said the Fish and Wildlife Service's newest biological opinion "doesn't pass the straight-face test."

Silver, who heads the Tucson-based Center for Biological Diversity, contended the 500-person figure had been breached and filed an intent to sue notice with the U.S. government in 2005.

In late 2006, fort officials sought a reconsultation with Fish and Wildlife Service, even though the previous opinion was good until 2011.

An agreement between the Army and the Center for Biological Diversity eliminated the need to file a lawsuit because of the new consultation.

Silver said the new document will be reviewed “with a fine-tooth comb.” He believes irregularities will be found.

The federal government, through the Army and the Fish and Wildlife Service, is not properly looking at the river’s problem, Silver said. A quick read of the new opinion leads him to believe there were creative ways used to get around what is needed to save the river. The fort’s responsibility for the area’s deficit has been reduced, he added.

Hunter and Jeff Humphrey, a spokesman for the Fish and Wildlife Service, said the new report uses per capita water use figures, and not numbers based on the acre-foot deficit in the aquifer that were used in the previous biological opinion.

Silver said the change in figures makes his point that the government agencies used creative procedures in the opinion.

“The San Pedro is at the most peril it has ever been,” the physician said.

Without a better health plan the river will die, Silver said. He likened taking care of the river as an elderly person who needs an appendectomy, which is no problem if the person is young. But it is a dangerous procedure if it’s an older person who has heart trouble and diabetes. The older patient lacks the strength and death can occur.

The same, Silver said, is true about the waterway because it is a “weakened river.”

After his quick review of the document, Silver said the only item he could agree with is the Fish and Wildlife Service indicating the river’s water flow will likely decrease unless action is taken to correct the problem.

In the past, actions taken by the post and Fish and Wildlife Service led to legal challenges. Silver foresees that happening with the new biological opinion.

“It looks like it’s going to be challenged again,” he said.

Colonel responds

Hunter said the civilian and military communities cannot stop water conservation and mitigation efforts.

As for Silver’s take, the colonel said that since the previous document was approved a few years ago, new science and technology have provided groups such as the Upper San Pedro Partnership with better ways to find solutions.

“The studies the partnership did were critical to the successful completion of the opinion,” Hunter said.

The fort and Fish and Wildlife Service are members of the partnership, which includes federal, state and local agencies, as well as environmental and business groups, that are working to protect and study the San Pedro River and deal with the area’s water issues.

“This biological opinion gives us flexibility,” the garrison commander said.

The partnership is required to submit an federally mandated report through 2011 in order to provide Congress with information about its accomplishments and proof that water sustainability remains a local goal.

Hunter said that report, commonly called the Section 321 report, is critical.

The Fish and Wildlife Service, Humphrey added, will be watching the partnership’s reports to ensure the fort is complying with the opinion.

As an Army officer in command of a garrison, something he relinquishes next week, Hunter has authority to dictate water savings. Civilian leaders do not.

Hunter said civilian community leaders realize the fort's importance to their economy and national defense, and they are pledged to work on water issues.

Communities must help

Sierra Vista City Manager Chuck Potucek agrees the off-post communities have a responsibility to continue supporting the fort by engaging in water conservation and mitigation.

The avenues include the partnership, of which the city is a member, and the hopeful creation of a water management district, he said. The water district is now being considered in the Arizona Legislature.

"We have to continue to do the work," Potucek said. "We will support the fort and the partnership to meet the requirements."

Humphrey said people should not think the new biological opinion has no teeth.

There are a number of triggers that can require the post to reconsult even before 2016, when a new consultation will have to be accomplished.

Besides exceeding population increase of soldiers, civil service employees or contractors by 3,000 people, reconsultation can be done if the approved number of incidental takes of endangered species happen, information reveals actions the fort may adversely affect a listed species or critical habitat, actions taken by the fort cause changes to species or habitat not considered in the current opinion or a new species or critical habitat is considered for listing on the post.

For Hunter, the new biological opinion allows the fort much needed leeway, potentially allowing a greater role in national defense.

The allowable increase in people assigned to the fort — which does not include family members and other ancillary people — gives post officials the ability to accept important missions the Army may want to put on the installation. The fort's work force population fluctuates up and down, too.

In the past, Hunter and other fort leaders have refused to accept missions because of the environmental constraints facing the post. The new opinion, he said, doesn't open the door to any new operations, but it allows future fort leaders to be able to support Army missions.

The opinion allows the post to respond to Department of Defense needs while ensuring the water issues remain a crucial part of the decision-making process, Hunter said.

"This is great news (the opinion) for Fort Huachuca," he said.

HERALD/REVIEW senior reporter Bill Hess can be reached at 515-4615 or by e-mail at bill.hess@svherald.com. The Associated Press contributed to this report.