

Rare bird may shut Pinal road

Popular San Pedro River crossing wrecks animal's habitat, groups say

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Pinal County and environmental groups are at odds over a river crossing near Dudleyville that is home to an endangered songbird.

The Center for Biological Diversity, the Nature Conservancy and the Bureau of Land Management have filed complaints against Pinal, saying the county is illegally maintaining a road near the San Pedro River that allows cars and off-road vehicles to destroy the habitat of the southwestern willow flycatcher.

But Pinal officials and residents in Dudleyville say the road has been there for decades and closing it would mean commuters and emergency vehicles would have to drive an extra 7 to 10 miles to get to the major highway out of town.

The southwestern willow flycatcher has been on the federal endangered-species list since 1995.

With about 2,000 of the birds scattered throughout the Southwest and California, the lower San Pedro River is one of the two largest willow flycatcher habitats in the state, said Robin Silver, co-founder and board member of the Center for Biological Diversity.

Arizona is home to about one-third of the flycatcher population, which has dropped by about 50 percent in the past few years.

"The problem is uncontrolled access to off-road vehicles, which are tearing up the river," Silver said.

Keeping the road open as a "shortcut for the convenience of a few people in Dudleyville" is destroying the birds' habitat, Silver said.

But the crossing is more than a shortcut, said Olivia Morales, chairman of the board of directors for the Dudleyville Volunteer Fire Department.

"If there is a fire or an accident on the river or anywhere east of the river, we will have to travel approximately 7 extra miles on the highway to even get to a crossing, which increases our response time dramatically and puts lives and property at additional risk," Morales wrote in a letter asking that the road be maintained.

Paul and Sarah Schwennesen own the Double Check Ranch next to the river crossing.

Last year, the ranch owners piled boulders along the path, frustrated that the same traffic tearing up the river did the same to their land.

The Schwennesens kept a gate open through their property to allow access for emergency vehicles.

The board of supervisors voted to take the Schwennesens' land using eminent domain and bulldozed the barrier last winter. The couple has filed a separate claim against the county to win back its property.

That bulldozing may have been a mistake, according to the BLM, which has filed a complaint to several federal agencies, including the Army Corps of Engineers and two branches of the U.S. Department of Justice.

Tom Dabbs, a district manager for BLM, said the bulldozing may have violated the Clean Water Act and defies a conservation easement designed to "strengthen and protect the Southwest willow flycatcher."

Pinal County Supervisor Lionel Ruiz said BLM "dropped the ball" and the agency should have known there was a long-traveled road there before they applied the conservation easement in 1996.

"Our preliminary investigation has revealed that the crossing has been in this location since territorial days when it was used for stage coaches," according to a letter sent from the law firm representing Pinal County in the case against the Center for Biological Diversity.

Ruiz represents the district that includes the disputed crossing.

"I don't know how it can be an environmental concern if the flycatcher is still there and people have been traveling the road for all these years," Ruiz said.