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## Words vs. Deeds

### McCain's Legislative History Clashes With Support for River He Calls a 'National Treasure'

Sen. John McCain (R-Ariz.) (AP Photo)

By [John Dougherty](#) 06/26/2008

SIERRA VISTA, Ariz. — Sen. John McCain's environmental legacy in Arizona may be inexorably linked with the fate of a narrow ribbon of Fremont cottonwoods and willows lining the diminutive San Pedro River, the last free-flowing, wild river in the desert Southwest.

McCain has repeatedly expressed strong support for saving the San Pedro River, which he describes as a "national treasure" whose loss would be a "national disaster." His statements about preserving the most biologically diverse wildlife corridor in the United States have burnished his maverick reputation for he is embracing a conservation ethic that appears far more moderate than current Republican norms. But looking beyond McCain's words, an examination of his legislative actions on the San Pedro River reveals a very different attitude.

Since the early 1990s, scientists have warned that ground water pumping by the burgeoning communities near the Army's Fort Huachuca threatens to dry up the San Pedro. Yet when McCain faced a crucial vote in 2003 about whether to protect the San Pedro River or assure the long-term presence of Fort Huachuca and its high-desert boom towns, McCain voted to save the base. At the river's expense, McCain voted to exempt the fort from a key provision of the Endangered Species Act.

In what seems to be an effort to insulate himself from responsibility for future water problems, McCain had language added to legislation that shifted responsibility for the river's protection from the federal government to a local consortium of 21 government and private organizations called the Upper San Pedro Partnership. It was given this responsibility even though it had no authority to mandate water conservation or protect the river.

The one-two punch of exempting Fort Huachua from the Endangered Species Act -- something no other base has received -- and ducking federal responsibility for protecting the river that Congress designated as the nation's first riparian national conservation area, could be the death blow to the river, environmentalists say. (For more: [Sidebar](#)) The fort's more than \$2-billion annual economic impact is attracting a rapidly growing population that is projected to top 80,000 by 2035, on what was once ranch land. Hydrologists say unless population growth is controlled or additional water delivered, the pumping will drain the San Pedro and kill the forest it supports.

"We told Sen. McCain that his legislative exemption for Fort Huachuca would end up killing the San Pedro," said Robin Silver, conservation chairman of the Center for Biological Diversity, a Tucson-based environmental group. "He chose to ignore us, and now the river is predictably suffering."

In the five years since the ESA exemption, conditions on the San Pedro have declined steadily. One former government hydrologist, Robert Mac Nish, said the river is doomed unless immediate action is taken to replenish the aquifer. Earlier this year, the Upper San Pedro Partnership asked Congress to help find additional water supplies to stop the ground water overdraft without imposing growth restrictions. McCain introduced a bill to fund a federal study to bring Colorado River water to Sierra Vista, a project that would require massive federal spending and would appear to be the type of "pork barrel" project McCain has long criticized.

McCain's campaign did not respond to written questions about the legislation affecting the San Pedro River and Fort Huachuca. But the legislative history of the region is well documented, and it provides a prism to view how McCain may act as president when environmental issues collide with military and economic development considerations.

## The Renzi Rider

McCain played a pivotal role in the passage of Fort Huachuca's exemption from the Endangered Species Act. Rep Rick Renzi (R-Ariz) offered the exemption as a rider to a defense appropriations bill. McCain, as the senior Republican on the Senate Armed Services Committee, came under intense pressure from environmentalists to kill the rider when it reached a House-Senate conference committee in the fall of 2003.

Rather than axing the exemption, McCain, in an attempt to appease the environmental community, added language to the rider requiring the USPP to develop a plan to reduce ground water overdraft to a sustainable level that would protect the river by 2011. It must send yearly reports to Congress documenting its progress.

"I hope this compromise will be a model, proving that military, environmental and economic objectives can productively coexist," McCain said in a statement after the rider was incorporated into the 2004 defense appropriations bill and signed into law by President George W. Bush.

McCain's optimistic assessment stands in sharp contrast to dire forecasts for the river he had received during the debate. According to internal Senate documents obtained by The Washington Independent, McCain was warned by the director of the Arizona Department of Water Resources that the San Pedro would dry up.

Environmentalists had also released a Fort Huachuca internal report, obtained through the Freedom of Information Act, that said the region "is facing an escalating ground water deficit with the underlying aquifer being drained beyond its capacity for recharge. Declining water levels are adversely affecting critical habitat and several endangered species in the San Pedro Riparian Area."

Even with this alarming information from both the state and the Army, McCain embraced the rider that environmentalists say has crippled efforts to save the San Pedro. They cite three major effects:

- -- Fort Huachuca would not be held responsible for increased regional growth and ground water pumping, eliminating an important legal obstacle to unrestricted growth in the area.
- -- It protected the fort during the 2005 round of military base closures by diminishing environmental issues as one reason to close the base.
- -- It resulted in the U.S. Fish & Wildlife Service issuing a 2007 opinion that enabled the fort to add up to 3,000 more personnel to the 13,000 soldiers, military contractors and family members already on or near the base. Additional military personnel usually means local population growth, increasing the demand for ground water.

"The Renzi rider has allowed the Fish & Wildlife Service and the fort to turn a blind eye to development that is happening all around them, even though Sierra Vista and the fort are intimately connected," said McCrystie Adams, an attorney with EarthJustice, a Denver-based environmental advocacy law firm that has sued Fort Huachuca to reduce ground water consumption.

Located about 200 miles southeast of Phoenix, just north of the Mexican border, Fort Huachuca is the key economic engine of Cochise County. The fort is the county's largest employer and injects about \$1 billion in direct spending annually. It has been driving population growth in Sierra Vista and surrounding communities. The regional population doubled, to more than 56,000, in the last 25 years, and growth is projected to continue steadily. The ties between the fort and Sierra Vista, the biggest incorporated community, extend from the economic into the political arena. Sierra Vista annexed the fort in 1971, generating additional sales and gasoline taxes for the city.

Arizona has a long history of using military bases as spring boards to develop major metropolitan areas. Phoenix expanded with the help of Luke Air Force Base as well as the now closed Williams Air Force Base. Tucson benefited from Davis-Montham Air Force Base; and Yuma developed around Army and Marine Corps facilities. Fort Huachuca is having the same impact on the Sierra Vista area. The rural economy is now suburban, with tract homes boasting grass lawns and back-yard swimming pools.

McCain, from his senior seat on the Armed Services Committee, has long supported the military's presence in Arizona. He has repeatedly stated that solving Arizona's water problems, particularly in rural areas where shortages are more pressing, is a top priority. But the two issues collided in southern Arizona, and McCain appears to have chosen to follow a well-trod path of military spending leading to urbanization rather than preserve Arizona's last free-flowing river.

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## **The Last Undammed River**

The San Pedro River is being slowly bled to death. More than 96 percent of the water supply for the Fort Huachuca and its civilian development comes from thousands of wells drilled by homeowners, farmers and municipalities in the last 50 years. The wells, lightly regulated by the state, are draining the aquifer that keeps the San Pedro flowing during the driest months. Ironically, there is large amount of ground water in the area – the state estimates up to 20 million acre-feet of water. One acre-foot is enough water to serve the needs of a family of five for a year.

But draining even a fraction of that water from the aquifer is enough to diminish flows in the San Pedro River. Ground water pumping has already reduced river flows by more than 60 percent since the 1940s, and the rate of pumping is projected to steadily increase. Killing the river, environmentalists say, would clear the way for Sierra Vista to exploit the massive ground water reserves and become a major urban center, like Phoenix and Tucson, which both sacrificed their rivers to grow.

Rivers in the desert Southwest are heavily reliant on ground water seeping to the surface to keep flowing throughout the year. Ground water pumping near these rivers often lowers the water table. If pumping continues for long periods, desert rivers disappear into the sand. Arizona once had an extensive desert river network, but development has destroyed more than 90 percent of the

state's natural water courses.

The San Pedro is the last undammed river in Arizona that retains much of its ecological integrity. It supports the highest variety of mammal species in the United States and the second richest on Earth, trailing only the Costa Rican cloud forests. More than 350 bird species use the San Pedro. Its cottonwood and willow forest provide food and shelter for millions of migratory songbirds.

Congress recognized the river's ecological significance when it created the San Pedro Riparian National Conservation Area. In 1988, it placed 40 miles of the river and 56,000 acres of its stream side habitat under the control of the U.S. Bureau of Land Management. The bureau has never enforced the federal water rights that Congress reserved for the river by placing restrictions on ground water pumping. Instead, the bureau elected to use a slow state adjudication process to determine water-right allocations for the entire Gila River Basin. (The San Pedro is a tributary to the Gila.) This adjudication is expected to take decades. Meanwhile, federal water rights reserved for the San Pedro are used to fuel the area housing boom.

Critics say the BLM could exercise its water rights with a federal court injunction to stop ground water pumping that threatens the San Pedro. But such action would set off a political firestorm in the West that no politician has dared to touch -- including McCain.

With the federal government failing to protect the San Pedro's water rights, environmentalists focused on Fort Huachuca because its actions -- including its effect on off-base ground water use -- were subject to ESA's provisions. Environmentalists have won a series of federal court orders forcing the fort to make dramatic reductions of on-base water consumption.

But, all the while, Sierra Vista expanded with few water conservation measures. Local politicians received a wakeup call in 1995 when the Base Realignment and Closure Commission rejected a plan to move a language school to Fort Huachuca from Monterey, Calif., because increased water demands would threaten the San Pedro. This served as a warning that the fort's growth may make it vulnerable to base closing efforts.

In 2002, the U.S. Fish & Wildlife Service issued a biological opinion -- under pressure from another ESA lawsuit -- that forced the Army to agree to limit growth at Fort Huachuca and take responsibility to mitigate much of the effect of off-base ground water consumption. Environmentalists hailed this as turning point in their campaign to save the San Pedro.

But Renzi, with Army support, countered the next year. In 2003, Renzi attached the ESA exemption as a rider to a House defense appropriations bill. It would allow the fort to circumvent the 2002 Fish & Wildlife Service opinion by removing the base from meeting ESA requirements. Renzi said the rider was to buttress Fort Huachuca against the coming round of military base closures scheduled for 2005.

## Further Studying

McCain quickly became the focus of a national lobbying effort by environmentalists who demanded that he kill the Renzi rider in conference committee. Arizona's major newspapers published editorials urging McCain to shelve the measure, saying the rider would be a disaster for the San Pedro. Environmental activists protested in front of McCain's Tucson office and he was deluged with emails and phone calls.

After securing a pledge from Sierra Vista and other communities near the fort to make efforts to reduce ground water consumption, McCain added language to the rider that shifted responsibility for protecting the river from the federal government to the Upper San Pedro Partnership. The partnership was given the green light to conduct studies, but no money or authority to mandate reductions in ground water pumping.

"Instead of making a decision that was right, McCain listened to those who told him what he wanted to hear," said Silver, "who said 'Let's study this for a while longer.' He didn't listen to those who knew the situation intimately and who are motivated to save this national treasure."

Renzi's, meanwhile, may have had other motivations for the rider. His business partner owned land adjacent to the river. The congressman was indicted in February on 35 federal counts of extortion, embezzlement and money laundering in connection with his business partner. The partner had made a \$4.5 million profit on the sale of the land after Renzi's ESA exemption was passed. At the

time of the indictment, Renzi was McCain's Arizona presidential campaign co-chairman, but he is no longer part of the campaign.

There is no evidence that McCain was aware of Renzi's financial entanglements that led to the indictment.

Since enactment of the rider, conditions on the San Pedro have deteriorated. In 2005, the river stopped flowing for the first time in 100 years of measurements at a key monitoring station. The river dried up at the same gage in 2006 and 2007 before runoffs from the summer rains jump-started the river flows. "If this is not an alarm call, a screaming siren from the river that it is dying, than what is?" asked Trisha Gerrodette, Audubon Arizona's representative on the USPP.

Ground water monitoring data collected by the USPP, meanwhile, shows that the rate of ground water depletion is increasing rather than heading towards a "sustainable" yield – a measure the partnership has yet to define. Gerrodette says USPP has accomplished little in reducing ground water depletion and that its biggest contribution has been funding research. "It will be one of the best studied river basins in the world," she said, "as we watch the river die."

Sierra Vista Mayor Bob Strain, who also serves as USPP chairman, dismissed warnings about the San Pedro and said ground water pumping is not a threat. Strain, like many local military retirees who rely on Fort Huachuca's amenities, said the fort, economic growth and the river can coexist. "I'm not going to be among those who are saying that the population is drying up the river" Strain said, "That is patently not the case."

Hydrologists say the effect of ground water pumping can take years, even decades, to show up at the river. Mac Nish, the retired U.S. Geological Survey hydrologist, said the river's fate is sealed. "The river will dry up even if they shut off all the pumps," Mac Nish said.

Ground water pumping that has already occurred will increasingly divert more ground water from reaching the San Pedro River, he said. The only thing that could save the river, Mac Nish said, is construction of a ground water recharge facility between booming Sierra Vista and the San Pedro. But that would require finding another water source.

McCain is seeking federal funding for the U.S. Bureau of Reclamation to study ways to augment water supplies in southern Arizona and has suggested he would support proposals backed by the USPP. One proposal is to extend the Central Arizona Project canal another 70 miles at a cost of well over \$100 million. The \$5-billion CAP diverts water from the Colorado River across hundreds of miles of Sonoran Desert to cities and farms in central Arizona, including Phoenix and Tucson.

Extending the CAP to Sierra Vista is a considered a long shot at best, and is opposed by key members of Congress. Many environmentalists, in any case, are saying that the water would further urbanization rather than benefit the river. The option that many environmentalists do talk about is to slow growth and attempt to capture as much rain water runoff as possible and divert the flows into recharging the aquifer. There appears to be little political support for this.

Retired BLM wildlife biologist Jack Whetstone has hiked the San Pedro River perhaps more than any man alive, spending most of the last 15 years studying the river. Just after dawn Saturday, Whetstone led a handful of volunteers on an annual trek to map locations where water remained in the river. Whetstone pointed to a gray hawk's nest high in a cottonwood, whistled a call and a hawk's head popped up. More signs of the San Pedro's bountiful wildlife appeared. A bobcat darted across the dry stream bed. Javelina tracks criss-crossed with deer prints in the sand. A beaver dam of cottonwoods and willows had backed up an outcropping of water for 100 yards -- and the volunteers recorded the longest continuous stretch of water on summer's first full day.

Whetstone was pessimistic about the San Pedro's continuing as a habitat for North America's greatest array of mammals and nearly half of its bird species. Unchecked pumping, he said, will inevitably rob the river of its water and the San Pedro will join the rock riverbeds of the Salt, Santa Cruz and Aqua Fria -- all riparian jewels that vanished on development's doorstep.

"I don't think there is the will to save it," Whetstone said, scanning the horizon for a great blue heron. "Money talks to much."

### **Sidebar: Endangered Species Exemption**

<<< **BACK TO STORY**

Sen. John McCain's 2003 vote to exempt Fort Huachuca from a key provision of the Endangered Species Act was contrary to his usual advice to fellow members of Congress. He is known to tell colleagues that they should not give special protections to a local military base if it faces closure.

Rep. Rick Renzi (R-Ariz.) had attached the ESA exemption for the southern Arizona fort to a defense appropriations bill. McCain was in position to remove Renzi's amendment when the bill reached a House-Senate conference committee. He had been pressed by environmentalists to kill the measure because it would threaten a celebrated wildlife area along the San Pedro River, just east of the fort.

Instead, McCain backed the ESA exemption -- which helped save Fort Huachuca from expected downsizing during the 2005 base closures. There is little doubt that McCain wouldn't have known that his vote would shield the base from the Defense Base Closure and Realignment Commission.

Renzi, along with retired Rep. Jim Kolbe, R-AZ, who represented Fort Huachuca, called the ESA exemption the "Fort Huachuca Preservation Amendment." Fort Huachuca supporters ran a full-page newspaper ad in Sierra Vista, urging McCain to vote for the ESA exemption.

McCain co-sponsored legislation in 2001 that authorized the commission to recommend a list of military installations to be closed or downsized. At that time, McCain urged his colleagues to "to put aside local politics for what is clearly in the best interest of our military forces."