

News Release: June 21, 2005

Pentagon Cover-Up of Fort Huachuca's Water Problem

Information Withheld from BRAC Commission

The Pentagon ranks Fort Huachuca 25th of the Army's 99 facilities for "water quantity"/"availability of water" in information provided for the 2005 Base Realignment and Closure (BRAC) Commission.¹ This ranking disregards the fact that an adequate supply of water does not exist in the Fort Huachuca area to provide for (1) San Pedro River stream flow-dependent Endangered Species, (2) for civilian community demand, and (3) for Federal reserved water rights, including Fort Huachuca's current and future needs.² The U.S. Army's own groundwater monitoring data and internal memos portray a deteriorating situation.³

The facts denied the BRAC Commission by the Pentagon:

1. The water supply in the Fort Huachuca area is already over-allocated.⁴
2. The water problem and the local overdraft in the Fort Huachuca area continues to increase.⁵

¹ DoD 2005a, 2005b

² ACOE 2005; ADWR 1992a, 1996b; BLM 1987, 1991; Cappaert v. United States 426 U.S. 128 [1976]; CBD 2004e, 2005a, 2005b; CEC 1999b; Department of Interior 2004; Endangered Species Act, Sections 2, 7 and 9; Fort Huachuca 2002a, 2002c; Kansas v. Colorado, 115 S. Ct. 1995; Nebraska v. Wyoming, 115 S. Ct. 1033, 1937 [1995]; U.S. Army 2003b; U.S. Congress 1988; USFWS 1999e, 2002, p. 92; USGS 1999a, 2004b, 2005a, 2005b

³ ACOE 2003, 2005; U.S. Army 2003b

⁴ ACOE 2005; ADWR 1992a, 1996b; BLM 1987, 1991; Cappaert v. United States 426 U.S. 128 [1976]; CBD 2004e, 2005a, 2005b; CEC 1999b; Department of Interior 2004; Endangered Species Act, Sections 2, 7 and 9; Fort Huachuca 2002a, 2002c; Kansas v. Colorado, 115 S. Ct. 1995; Nebraska v. Wyoming, 115 S. Ct. 1033, 1937 [1995]; U.S. Army 2003b; U.S. Congress 1988; USFWS 1999e, 2002, p. 92; USGS 1999a, 2004b, 2005a, 2005b

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3. Fort Huachuca must either provide significant more mitigation for its current and planned staffing levels or it must reduce its current staffing levels.⁶

4. Viable, less environmentally destructive options exist to realign most of the Fort Huachuca missions without a detrimental effect on national security.⁷

No more groundwater can be withdrawn from the Fort Huachuca area's aquifer without further diminution of San Pedro River stream flow and additional Endangered Species habitat degradation.⁸ Since San Pedro River stream flow is essential for the survival of Endangered Species, priority water rights must first provide for this stream flow.⁹ Consequently, Fort Huachuca is not the priority water rights holder, no matter its 1881, priority date.¹⁰ Nothing in the Department of Defense (DoD) materials presented to the BRAC 2005 Commission reflects these facts.¹¹ DoD's omissions are not only dishonest; they are a cover-up with historic, negative consequences.

The May 2005, Department of Defense Report to the Defense Base Closure and Realignment Commission, Department of the Army Analysis and Recommendations Volume III¹² states: "Attributes Related to Training Capability... The Army used 40 attributes to determine an installation's MV [Military Value]." (p. B-4) At 2.3.1. (page B-5) Attribute Listing and Technical Reports, Table 2 provides the final set of Army MV attributes. Attribute number 12 denotes "Water Quantity." The definition, purpose and source of Attribute #12: Water Quantity is found on page B-24. "Water Quantity" is defined as, "The availability of additional water resources measured in terms of thousand acre-feet." The purpose of Attribute #12: Water Quality" reads, "Measures the availability of water resources within the geographic region of the installation. The availability of water, including surface water, groundwater, and purchased water, is critical to understanding the degree of sustainability of natural resources. Sufficient water may not be available to allow for expansion of missions at the installation regardless of the physical

⁵ Ibid.

⁶ CBD 2005a

⁷ Alternative locations for Fort Huachuca's missions include, but are not limited to (a) for U.S. Army Intelligence Center (USAIC): Fort Meade (MD), Fort Hood (TX), Goodfellow AFB (TX), Defense Language Institute/Presidio of Monterrey Annex (Ft. Ord)(CA); Gunter Annex (AL), Warrenton Training Center Site B (VA), Pensacola Naval Air Station (FL); (b) for U.S. Army Electronic Proving Ground (USAEPG): Yuma Proving Ground (AZ), Aberdeen Test Center (MD), Dugway Proving Ground (UT), White Sands Missile Range (NM), Fort Rucker Aviation Technical Test Center (AL), Redstone Technical Test Center at Redstone Arsenal (AL), Fallon Naval Air Station (OK), Fort Lewis (WA; Fort Hood (TX); (c) for U.S. Army Information Systems Engineering Command (USAISEC): Fort Belvoir (VA), Fort Detrick (MD), Fort Lee (VA); (d) for Joint Interoperability Test Command (JITC): Indian Head (MD); (e) for National Unmanned Aerial (UAV) Test Center: Edwards AFB (CA), Beale AFB (CA), Tinker AFB (OK), Wright-Patterson AFB (OH), Camp Roberts/Fort Hunter Liggett (CA); Holloman AFB (NM); (f) for U.S. Army Communications – Electronics Command (CECOM): Fort Gordon (GA), Fort Bliss (TX), Fort Bragg (NC), Fort Campbell (KY), Fort Carson (CO), Fort Detrick (MD), Fort Drum (NY), Fort Meade (MD), Fort Monmouth (NJ), Fort Riley (KS), Fort Richardson (AK), Fort Stewart (GA), Fort Greely (AK), MacDill AFB (FL), Fort Shafter (HI); (g) for U.S. Army Network Enterprise Technology Command (NETCOM)/9th Army Signal Command: Mannheim (Germany), Fort Gordon (GA), Fort Shafter (HI), Fort Detrick (MD), Fort Meade (MD); (h) for Western Civilian Personnel Operations Center: Fort Irwin (CA), Yuma Proving Ground (AZ), Fort Lewis (WA), Dugway Proving Ground (UT), White Sands Missile Range (NM), Tooele Army Depot (UT), Sierra Army Depot (CA), Fort Bliss (TX), Fort Hood (TX), Corpus Christi Army Depot (TX)

⁸ ACOE 2005; ADWR 1992a, 1996b; BLM 1987, 1991; Cappaert v. United States 426 U.S. 128 [1976]; CEC 1999b; EEC 2001, 2005a; Endangered Species Act, Sections 2, 7 and 9; Fort Huachuca 2002a, Haas and Frye 1997; Kansas v. Colorado, 115 S. Ct. 1995; Nebraska v. Wyoming, 115 S. Ct. 1033, 1937 [1995]; U.S. Army 2003b; U.S. Congress 1988; USFWS 1999e, 2002, p. 92; USGS 1999a, 2004b, 2005a, 2005b

⁹ Cappaert v. United States 426 U.S. 128 [1976]; Endangered Species Act, Sections 2, 7 and 9; Kansas v. Colorado, 115 S. Ct. 1995; Nebraska v. Wyoming, 115 S. Ct. 1033, 1937 [1995];

¹⁰ Cappaert v. United States 426 U.S. 128 [1976]; Endangered Species Act, Sections 2, 7 and 9; FH 1991; Kansas v. Colorado, 115 S. Ct. 1995; Nebraska v. Wyoming, 115 S. Ct. 1033, 1937 [1995];

¹¹ DoD 2004; DoD 2005a, 2005b

¹² DoD 2005a

throughput of the water treatment plant.” The source of “Attribute #12: Water Quantity” is listed as “Installation Military Value Data Call, DOD Questions #825 and #826.”

Annex 3, “MV Installation Attribute Inputs & Outputs,” page B-35 ‘provides an index of the 40 MV attributes used to assess the military value of installations for BRAC 2005.’ The input for “Attribute #12: Water Quantity,” the measure of the “availability of water ...within the geographic region of the installation” equals “7464” acre-feet per year for Fort Huachuca (page B-36). Assignment of this quantity of water available results in an output for “Attribute #12: Water Quantity” for Fort Huachuca of “5.82.” (page B-46) The output rating for this attribute ranges from zero to 10, with Fort Huachuca earning an availability of water rating above average.

The source of the “7464” acre-feet per year available for Fort Huachuca (page B-36) is not clear. DOD provides a database of the Data Call questions, “All DOD Questions” including #825 and #826.¹³, “Water Allocation” with instructions to Fort Huachuca to “List each water supply source...Include both direct and indirect sources, and both potable and nonpotable sources. Provide the amount of water that the installation is entitled from each source. Also indicate the legal basis for the use of the water. Report amounts in Acre-feet per year.” Fort Huachuca’s answer to question #825 totals 9469.8 acre-feet per year from four sources: (1) Wells/Groundwater Direct Source...A.R.S. § 45-453; (2) Treated Effluent Reused for Treated Irrigation and Recharge...Acquifer Protection; (3) Conservation Easement – Indirect Source...August 1002 Biological Opinion; and (4) Surface Water Direct Source...Federal Reserved Water Rights. Number #826 reports total water usage in Million Gallons per Day: FY01 1.791...FY02 1.784...FY03 1.733.¹⁴

The U.S. Army’s BRAC 2005 Installation Environmental Profile for Fort Huachuca states, “The following water quantity data is from DoD Question # 282, 291, 297, 822, 825, 826): Fort Huachuca has 7463.8000000000002 Acre-feet of surplus water potentially available for expansion. On average, it uses 1.7909999999999999 MGD of potable and non-potable water, with the capacity to produce 5.5300000000000002 MGD...”¹⁵

No other information on analysis has been forwarded has been forwarded to the BRAC Commission in spite of the warning issued with the Data Call for Attribute number 12, “Water Quantity”:

“The availability of water, including surface water, groundwater, and purchased water, is critical to understanding the degree of sustainability of natural resources. Sufficient water may not be available to allow for expansion of missions at the installation regardless of the physical throughput of the water treatment plant.”¹⁶

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¹³ DoD 2005b

¹⁴ Ibid.

¹⁵ DoD 2004

¹⁶ DoD 2005b

Background

The San Pedro River is the last surviving free flowing, un-dammed desert river in the Southwest.¹⁷ The San Pedro flows through the center of the watershed within which Fort Huachuca is located. The San Pedro stream flow reflects the surface of the area's groundwater aquifer, or the water table itself.¹⁸ San Pedro River stream flow during the driest times of the year seeps directly from the groundwater aquifer into the River.¹⁹ Groundwater from this aquifer is the only source of water in the area. Excessive, unmitigated and increasing, local groundwater pumping from this aquifer threatens the San Pedro River.²⁰ The groundwater pumping deprives the San Pedro River of surface flow due to the existence of a direct hydrological connection between the water in the area's underground aquifer and the surface water, or actual stream flow, in the River.²¹ As pumping lowers the aquifer level or water table, stream flow is diminished.²²

The most recent data from Fort Huachuca's monitoring wells confirms that the groundwater pumping is now capturing water directly from the San Pedro at the eastern edge of Fort Huachuca.²³ This interpretation of Fort Huachuca's monitoring well data is supported by U.S. Geological Survey (USGS) data showing reduced water seeping from the regional aquifer to the San Pedro River in the Lewis Springs area.²⁴ Lewis Springs is located southeast and upstream from Fort Huachuca on the San Pedro River. Not surprisingly, San Pedro River base flow, or water in the stream during the driest time of the year, is decreasing dramatically.²⁵

In 1988, Congress designated the upper San Pedro River as the San Pedro Riparian National Conservation Area (SPRNCA).²⁶ Congress assigned SPRNCA stewardship to the Department of Interior Bureau of Land Management (BLM).²⁷ BLM's SPRNCA Federal reserved water rights total 11,028 acre-feet per year at the Charleston gage.²⁸ The Charleston gage is immediately east of Fort Huachuca. The BLM, SPRNCA and the San Pedro have not received their share of water for 69% (122/178) of all months on record (November 1988 through September 2003) at the Charleston gage as of December 2, 2004.²⁹ This shortfall represents an accumulating deficit to date of 34,819 acre-feet.³⁰

Fort Huachuca's Federal reserved water rights total 7,549 acre-feet/year.³¹ BLM's SPRNCA Federal reserved water rights total 11,028 acre-feet/year at the Charleston gage.³² The most current estimate of total recharge in the Sub-watershed equals 18,000 acre-feet per year.³³ This means that total Federal reserved water rights in the watershed account for 103% of the area's entire annual natural recharge.³⁴ Consequently, Fort Huachuca competes for the limited supply of water with the BLM, SPRNCA, the San Pedro-dependent Endangered Species, and a growing civilian community. Because San Pedro River stream flow is essential for Endangered

¹⁷ AGFD 1993; American Birding Association 1995; Arizona Highways 1989; CBD v. DoD 1999; CEC 1999a; CEQ 1981; National Geographic 2000; New York Times 1999

¹⁸ ACOE 1970; ACOE 1974; ADWR 1994b; CEC 1999b; USGS 1999a, 1999b

¹⁹ ADWR 1988, 1991, 1994b; CEC 1999b; CEQ 1981; USGS 1999a; USFWS 1999e, 2002

²⁰ CEC 1999b; CBD v. DoD 1999, SWCBD v. DoD 1994; USFWS 2002

²¹ ACOE 1970; ACOE 1974; ADWR 1994b; ASL 1994; USGS 1999a, 1999b

²² ACOE 1970; ACOE 1974; ADWR 1994b; CBD v. DoD 1999, CEC 1999b; SWCBD v. DoD 1994; USFWS 2002; USGS 1999a, 1999b

²³ ACOE 2005

²⁴ USGS 2005a

²⁵ ADWR 1996b; CEC 1999b; USGS 1999a, 2005b

²⁶ U.S. Congress 1988

²⁷ Ibid.

²⁸ ADWR 1992a; BLM 1991

²⁹ ADWR 1992a; U.S. Congress 1988; USGS 2004b

³⁰ Ibid.

³¹ Fort Huachuca 2002a

³² ADWR 1992a; BLM 1991

³³ Department of Interior 2004

³⁴ ADWR 1992a, 2004; Fort Huachuca 2002

Species survival, BLM's SPRNCA Federal reserved water rights have the highest priority, in spite of Fort Huachuca's 1881, priority claim date and any State water rights adjudication proceedings.³⁵

The City of Sierra Vista summarizes the Fort Huachuca area's dilemma:

"...groundwater is a finite resource. There is only a finite amount of water in the aquifer that the Fort and City share...any award of groundwater to the Fort means less groundwater remains in the aquifer for the City."³⁶

City of Sierra Vista attorney Jannele Morris O'Hair, July 25, 2001

Fort Huachuca is located within the city limits of the City of Sierra Vista.

On May 12, 2003, the U.S. Army observes:

"...Development over the last decade has overburdened water resources. The region is now facing an escalating groundwater 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. While Fort Huachuca has undertaken aggressive conservation measures, steadily reducing its water consumption since 1998, unrestrained growth in the civilian community has continued to aggravate the water deficit situation..."³⁷

Competition for water between Fort Huachuca and the local civilian community has been an expressed U.S. Army concern since 1970.³⁸ In 1984, the Veterans Administration and the Federal Housing Administration implemented a moratorium on lending, loan guarantee, and underwriting programs in the Fort Huachuca area because they did not "want anyone buying homes without adequate water."³⁹ While the moratorium was lifted for political reasons,⁴⁰ its reinstatement is the subject of ongoing litigation.⁴¹

Competition for water between the Fort Huachuca and the local civilian community is now the Fort's reality:

"Fort Huachuca will have to defend its ground water rights from off-post ground water users who are depleting Fort Huachuca's ground water rights."⁴²

U.S. Attorney for Arizona Paul K. Charlton on behalf of Fort Huachuca, January 4, 2005

Since the May 12, 2003, U.S. Army observation that "unrestrained growth in the civilian community has continued to aggravate the water deficit situation,"⁴³ the water deficit situation has deteriorated even further.⁴⁴ In reality, however, the water deficit situation has deteriorated not only because of "unrestrained growth in the civilian community,"⁴⁵ it has continued to deteriorate

³⁵ ADWR 1992a; BLM 1991; Cappaert v. United States 426 U.S. 128 [1976]; Kansas v. Colorado, 115 S. Ct. 1995; Nebraska v. Wyoming, 115 S. Ct. 1033, 1937 [1995]; Fort Huachuca 1991, 2002; Endangered Species Act, Sections 2, 7 and 9; U.S. Congress 1988

³⁶ Sierra Vista 2001b

³⁷ U.S. Army 2003b

³⁸ ACOE 1970

³⁹ Arizona Daily Star 1984; High Country News 2004

⁴⁰ CBD 2004e, 2005a, 2005b

⁴¹ CBD v. HUD, *et al.* 2005

⁴² Fort Huachuca 2005a

⁴³ U.S. Army 2003b

⁴⁴ ACOE 2003, 2005; ADWR 2004a; Arizona Corporation Commission 2002, 2003, 2004; Arizona Daily Star 2004a; CBD v. DoD 2003; CEC 1999b; Fort Huachuca 2003c, 2004a, 2004b, 2005b; High Country News 2004; Sierra Vista Herald 2003c, 2003d, 2004e; U.S. Army 2003b, 2003d, 2003e; USGS 2005a, 2005b

⁴⁵ U.S. Army 2003b

owing to incremental, piecemeal expansion of increasing Fort Huachuca/Department of Defense activities.⁴⁶

In the August 23, 2002, U.S. Fish and Wildlife Service Biological Opinion on the ongoing and planned military operations and activities at or near Fort Huachuca, Fort Huachuca and DoD promised not expand by more than 500 people through 2011.⁴⁷ Since the August 23, 2002, Biological Opinion, Fort Huachuca and DoD have added and/or committed locally for at least 2,851 new people and \$621.5 million in direct, interrelated, and/or interdependent activities without using commonly accepted personnel and financial multipliers.⁴⁸ Using multipliers,⁴⁹ this equates to 11,917 new people and \$1.044 billion.⁵⁰ In addition, even more direct, interrelated, interdependent activities are proposed, but not yet committed. These equal at least 5,948 more people and \$71.8 million without multipliers.⁵¹ More mitigation is obviously necessary.⁵²

In the August 23, 2002, Biological Opinion, Fort Huachuca acknowledged responsibility for 34,993 people locally.⁵³ This number represented 54% of the population in the area according to Fort Huachuca figures.⁵⁴ This level of responsibility is much too low.⁵⁵ It is much too low given the facts that (1) “no fewer than two-thirds of the businesses in Sierra Vista are military driven,”⁵⁶ and (2) that Fort Huachuca Garrison Commander Jonathan Hunter says that, “Mayor Tom Hessler likes to remark the post is the western province of Sierra Vista “the post is the western province of Sierra Vista, whereas fort officials see the city as the eastern province of the Army installation.”⁵⁷

Based on Fort Huachuca’s acknowledged responsibility for 54% of the area’s population, the Fort Huachuca also accepted responsibility for 54% of the water deficit.⁵⁸ The water deficit for the August 23, 2002, Biological Opinion was -5,144 acre-feet per year.⁵⁹ Ironically, USFWS officials and the U.S. District Court recognized that 54% level of groundwater responsibility is also too low.⁶⁰

According to 2003 USGS data released on November 18, 2004, the deficit has increased by 134.3% to -12,050 acre-feet per year, from -5,144 as cited in the August 23, 2002, Biological Opinion.⁶¹ Even if Fort Huachuca had not expanded since 2002, and even if Fort Huachuca were indeed responsible for only 54% of the local population, much more mitigation is now obviously necessary. Minimally, even with responsibility for 54% percent of the population and deficit, 6,507 acre-feet per year would be the new number for mitigation.

⁴⁶ ACOE 2003; ADWR 2004a; Arizona Corporation Commission 2002, 2003, 2004; Arizona Daily Star 2004a; Border Patrol 2003, 2004a, 2004b, 2004c; Department of Interior 2004; FHA 2004; Fort Huachuca 2003c, 2004a, 2004b, 2004c, 2004d, 2005b; SBA 2005; Sierra Vista Herald 2003c, 2003d, 2004a, 2004c, 2004d; 2004e, 2004g, 2004h, 2004i, 2004k, 2004l, 2005a, 2005b, 2005c, 2005d; USFWS 2002; USGS 2005a, 2005b; VA 2004a, 2004b

⁴⁷ USFWS 2002, pp. 47-8, 54, 128

⁴⁸ Arizona Daily Star 2005b; Border Patrol 2003, 2004a, 2004b; FHA 2004; Fort Huachuca 2003c, 2004b, 2004c, 2004d; SBA 2005; Sierra Vista Herald 2003c, 2003d, 2004c, 2004e, 2004h, 2004l, 2005a; VA 2004b

⁴⁹ Census 2000; Fort Huachuca 1999

⁵⁰ Arizona Daily Star 2005b; Border Patrol 2003, 2004a, 2004b; Census 2000; FHA 2004; Fort Huachuca 1999, 2003c, 2004b, 2004c, 2004d; SBA 2005; Sierra Vista Herald 2003c, 2003d, 2004c, 2004e, 2004h, 2004l, 2005a; VA 2004b

⁵¹ Border Patrol 2004c; FHA 2004; Sierra Vista 2001c; Sierra Vista Herald 2002a, 2002b, 2003c, 2004a, 2004d, 2004g, 2004i, 2004k, 2005b

⁵² CBD 2005a

⁵³ Fort Huachuca 2002c, p. 89, 186; USFWS 2002, p. 46

⁵⁴ Fort Huachuca 2002c, pp. 186, 199; USFWS 2002, p. 46

⁵⁵ CBD v. DoD 1999, p9 “(Admin. Rec. Ex. 32; Draft BO at 108-110)”; Sierra Vista Herald 2004e; USFWS 1999b, 1999c

⁵⁶ Sierra Vista Herald 2004e

⁵⁷ Sierra Vista Herald 2004e

⁵⁸ USFWS 2002, pp. 47, 118

⁵⁹ USFWS 2002, pp. 47, 118

⁶⁰ CBD v. DoD 1999, p9 “(Admin. Rec. Ex. 32; Draft BO at 108-110)”; USFWS 1999b, 1999c, 1999e

⁶¹ Department of the Interior 2004, Appendix C – Sierra Vista Subwatershed Ground-Water Budget, Table C1. Summarization of predevelopment ground-water budgets for the Sierra Vista Subwatershed, USGS 2003 data; Fort Huachuca 2002c, p. 88, Appendix K; USFWS 2002, p. 90

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CBD 2004e. Correspondence from CBD to Arizona Attorney General Terry Goddard, U.S. Attorney for Arizona Paul Charlton, U.S. Postal Inspection Service Phoenix Division Acting Officer in Charge Pete Zegarac; RE: 1. Arizona Department of Water Resources (ADWR) falsely represents the adequacy of the Sierra Vista area's water supply to consumers and lenders.; 2. Assistant Arizona Attorney General Mary Mangotich Grier believes that concern regarding dishonest certification of water adequacy by ADWR for

Sierra Vista area developers is “a consumer disclosure issue.”; 3. ADWR’s false statements to consumers violate Arizona’s consumer fraud statutes.; 4. Since these false statements to consumers affect Federal property and transit via U.S. mail, they also violate Federal criminal statutes regarding “Fraud and False Statements” and “Mail Fraud.”; 5. Request for action by the Arizona Attorney General, the U.S. Attorney General for Arizona, and the U.S. Postal Inspection Service Phoenix Division Officer in Charge to protect consumers and lenders in the Sierra Vista area by stopping these violations of law.; September 7, 2004.

CBD 2005a. Correspondence from CBD, to Maj. Gen. Barbara Fast, Fort Huachuca Commanding General; Dr. Francis J. Harvey, Secretary of the Army; Dr. Donald Rumsfeld, U.S. Department of Defense Secretary; Mr. Steve Spangle, U.S. Fish and Wildlife Service Arizona Field Office Supervisor; Mr. Dale Hall, U.S. Fish and Wildlife Service Regional Director; Mr. Steve Williams, U.S. Fish and Wildlife Service Director; Ms. Gale Norton, U.S. Department of the Interior Secretary; RE: Notice of Intent to Sue Fort Huachuca, U.S. Department of Defense and U.S. Fish and Wildlife Service for failing (1) to reinstate formal consultation under the Endangered Species Act, and (2) for jeopardizing the San Pedro River and its dependent endangered species.; March 17, 2005.

CBD 2005b. Correspondence from CBD, to Hon. Terry Goddard, Arizona Attorney General, and Director Herb Guenther, Arizona Department of Water Resources; RE: 1. Addendum to the Center for Biological Diversity’s September 7, 2004, Consumer Fraud Complaint (CIC04-23832) and Answer to the Arizona Attorney General’s December 22, 2004, response; regarding, (a) Arizona Department of Water Resources’ false representation of the adequacy of the Fort Huachuca/Sierra Vista area’s water supply to consumers and lenders, and (b) Assistant Arizona Attorney General Mary Mangotich Grier’s belief that concern regarding dishonest certification of water adequacy by Arizona Department of Water Resources for Fort Huachuca DWR for Sierra Vista area developers is “a consumer disclosure issue.”; and 2. Notice of Claim compliant with A.R.S. 12-821.01 to pursue citizen Tort Action against the Arizona Department of Water Resources (ADWR) if the Arizona Attorney General continues to abrogate enforcement responsibility to stop ADWR Consumer Fraud Act violations.; May 20, 2005

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