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## Push is on to preserve desert

*Initiative would let voters decide to save state trust land*

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After years of failed attempts by Arizona lawmakers to reform state trust land laws, a coalition of conservation, education and business leaders is poised to ask Arizona voters to ratify a plan to save hundreds of thousands of acres of virgin desert before developers plow them under.

The agreement has been carefully crafted to ensure that Arizona's public schools and the children they serve, the primary beneficiaries of high-priced public land sales, do not suffer a loss of income, coalition members say.

A new statewide initiative would alter the Arizona Constitution and, combined with a congressional amendment to the law that created Arizona in 1912, would make conservation a legitimate use of some of the 9.3 million acres of land Arizona holds in trust to help fund education and other state agencies.

The move follows a breakdown in talks among developers, ranchers, utilities, environmentalists and others interested in allowing at least some trust lands to be preserved for future generations, something never contemplated when trust land laws were enacted nearly a century ago.

Voter approval would set in concrete the Legislature's near-decade-old intention

to protect some of those trust lands, an effort that has stalled in the face of constitutional challenges by conservative land-rights activists.

"I want people to understand how long it's been and how hard it's been," said Carla, the one-named executive director of the McDowell Sonoran Land Trust.

"We can't just throw this away and wait another two years. We will lose land."

The trust land derives from federal land that was given to Arizona at statehood, with the proviso that it be sold for the "highest and best use" to fund education and other agencies.

That has limited the auction of the land to those who can pay the most.

Existing laws force municipalities and conservation groups to compete in a nearly impossible uphill battle with deep-pocket developers for some of the state's most desirable remaining desert.

The situation has become heated in recent months. Arizona land prices are skyrocketing at the very time voters have approved hundreds of millions of dollars at city and county levels for preservation.

The new statewide initiative would allow voters to directly save some of Arizona's most environmentally significant lands: critical wildlife habitats, geo-

geographic formations and scenic view sheds.

The outcome will determine how land that now lies in the path of urban sprawl is developed or preserved and what the majority of Arizona's urban residents will see out their windshields for generations.

"At the end of the day, the thing people will be proudest of is what we can save," said Maria Baier, executive director of the Valley Partnership, a group that has participated in negotiations, representing the business community and major developers.

Drafters of the measure expect to file their petition papers by the end of the month and kick start a statewide campaign for the Nov. 7, 2006, general election.

Active opposition is likely to come from ranchers and farmers, who benefit from lucrative grazing leases and home builders who are riding one of the hottest real estate markets in Arizona history.

Some environmental organizations may not be enamored of the deal once they see the final language, but it is unlikely they will actively work against the initiative, said Sandy Bahr, a lobbyist for the Sierra Club.

"One big lesson is to keep it simple," said Bahr, who has been through similar political battles before. "They need to keep it as tight and clear as possible and they'll need a lot of money."

## What's in the plan?

The small group writing the initiative is keeping details secret until the "stakeholders," groups with conflicting stakes in the process, have a chance to tweak it into some form they can sell to constituents. But the basic plan would ask voters to:

- Change the Arizona Constitution, which now says that all public lands must be sold for the "highest and best use," to allow some land to be sold for conservation.
- Ask Congress to amend the enabling legislation that allowed Arizona to enter the Union, allowing some of the state's more than 9 million acres of trust lands to be preserved.
- Preserve outright 300,000 acres of the state's most ecologically significant land and allow an additional 400,000 acres to be bought for preservation.
- Require the Arizona State Land Department to work cooperatively with communities, selling off some land for the highest price and sending the funds to schools, and setting aside vast stretches of open space as part of the same deal. The State Land Department would act as a master planner.

## Avoiding past pitfalls

"Right now, it's a fairly simple approach," said Andy Laurenzi, director of the Sonoran Institute and a co-drafter of the measure.

"It's conserving critical trust lands, it requires planning to be done cooperatively, and it improves funding for the classroom site fund. We've agreed on the principles."

Nobody expects the initiative to be an easy sell. Massive, years-long efforts to

reform the state trust land system have come and gone over the past decade.

But the new streamlined version circumvents some of the knottiest problems, especially in rural areas.

It deals mostly with lands surrounding urban areas where local politicians, environmentalists and major developers have reached some consensus.

Baier, executive director of Valley Partnership, said past fights have set the stage for the upcoming campaign.

"Over the last five years in particular, and even 10 years, we've had all these chances to vet any abuses (of reform measures)," Baier said. "That's probably the ideal, to not gore anybody's ox."

Arizona State Parks Director Ken Travous said he is eager to get the constitutionality issue of preserving state trust land for open space finally resolved.

State Parks is one of the agencies that had thousands of acres of pristine state land designated for conservation under the stalled Arizona Preserve Initiative.

"I don't think this will be an easy thing to get done," Travous said. "But we must catch up with the times. We're still working from laws enacted in 1912."

## New era, new values

The initiative targets land that serves as vital corridors for wildlife and supports the Sonoran Desert's cactus, trees and geologic formations.

It is the land that makes Arizona, Arizona, said Ed Fox, the Arizona Public Service Co. utilities executive who spent the past four years spearheading an ultimately unsuccessful effort to get a comprehensive state trust land reform effort through the Legislature.

"A lot of states have really big natural features that define them. California has the ocean. Colorado has the mountains. Missouri has the Mississippi," Fox said. "What do we have? We have the mountain preserves. It's the only place with big open spaces right in the middle of the urban fabric. I think people know that about Phoenix."

Fox said he does not lament the last great effort to reform state land management.

"I look back on that and friends ask me if I felt bad," Fox said. "Part of my goal was to get all these stakeholders, who never talked to each other, to start a dialogue. It was a great effort."

## New law put on hold

By the 1990s, the population crunch and development alarmed conservationists and government leaders.

In 1996, the Legislature approved the Arizona Preserve Initiative.

That was followed in 1998 by a voter-approved measure that provided state funds for buying land set aside for conservation by the initiative.

But during the past two years, the Arizona Attorney General's Office and the Arizona State Land Department got cold feet after two property-rights advocates challenged the initiative's constitutionality.

Graham said the issue now is to try to accomplish what the initiative was meant to address: getting to the heart of the Arizona Constitution's apparent prohibition against selling land for conservation instead of profit.