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Pinal told to ban vehicles at river crossing

By Jason Massad
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PROTECTED BIRD: The Southwestern willow flycatcher is at the heart of a dispute over a crossing on the San Pedro River.

SUBMITTED PHOTO

A federal agency is ordering Pinal County to stop allowing residents to drive over a crossing on the San Pedro River near Dudleyville.

Endangered bird at the center of Pinal road flap [<http://www.eastvalleytribune.com/story/119453>]

The Bureau of Land Management issued a recent decision that states the county is encroaching on public land by allowing motorized vehicles to use the river crossing.

It's the latest volley in what is turning out to be a lengthy and expensive battle



Scott Kirchhofer/TRIBUNE

for taxpayers involving the county, BLM, environmental groups and a ranching family that owns the disputed land.

County officials would not speculate how much the ongoing legal dispute has cost the county. At least two law firms are working on aspects of the case and the cost is conservatively in the tens of thousands of dollars.

The case is multifaceted: It involves protecting the habitat of a rare songbird that inhabits the San Pedro River area, the property rights of cattle ranchers who own the land and the right of some 1,300 Dudleyville residents to cross the river at the convenient spot. A flood wiped out the nearby Romero Road Bridge in 1993 and people have used the crossing since.

The environmental stake in the case is protecting a 215-acre conservation easement that is designed to protect the habitat for the rare Southwestern willow flycatcher and two fish that inhabit the San Pedro.

"In this case, we are trying to keep the river crossing from being degraded from off-road vehicles that can enter into the river," said Lorraine Buck, a spokeswoman for the BLM's Tucson field office. "That endangers habitat."

The owner of the Double Check Ranch, Paul Schwennesen, has some of the same concerns. He said in an interview this week that he doesn't have a problem with people using the crossing to access the river, and he has no problem opening the access to emergency vehicles in the rare event that they are needed in the sparsely populated area. However, four-wheelers and other motorized traffic zoom around on his property, creating noise, leaving behind trash and clouds of dust.

"The problem that I'm trying to address is that any given day there are from 30 to 300 recreational vehicles. It brings clouds of dust, people ride in the riverbed ..." he said.

The Center for Biological Diversity, Maricopa Audubon Society and Tucson Audubon Society have filed suit against Pinal County and the Board of Supervisors in U.S. District Court. One thing in dispute is whether Schwennesen properly ended a temporary easement that allowed the public to cross on his property.

Attorneys for Pinal County have initiated condemnation proceedings to retain rights to the crossing, according to county officials. The road remains open to public use.


The county argues that the river crossing is vital for public safety purposes. Without the crossing, emergency vehicles and first responders would have to travel up to seven miles for another route.

"That has been the county's position that the county has taken all along - that this road is a crossing that has been used for a long time," said Heather Murphy, county spokeswoman.

Schwennesen said the county is misrepresenting the importance of the road in an attempt to continue to use the property.

"They're claiming this is a vital artery into Dudleyville," he said. "This is almost an alleyway out of Dudleyville and its use is basically for recreational purposes."



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