

Public pushes partnership; Prescott participation prospects poor

by [Candace McNulty, Contributing Editor](#)

Still suffering from control issues, the Prescott city council isn't likely to cooperate in regional water management.

If Prescott City Councilman Bob Roecker's comments are any indication of the council's intent, Prescott is unlikely to participate in a regional water management partnership.

"This is my item," Roecker declared at the Dec. 5 Council meeting as he introduced Agenda Item M, "Discussion to consider the City of Prescott's participation in the Verde River Basin Partnership." He explained that he brought the item up to allow for public comment.



What's ahead for the upper Verde? According to hydrological studies, the upper Verde River receives 86 percent of its flow from the Big Chino aquifer. The river is a storehouse of natural beauty and rare species as well as a source of water for the Salt River Project. RIH photo/Candace McNulty

Four members of the public obliged. Discussion did ensue. No minds appeared to change.

A Question of Faith

Prescott citizen Howard Mechanic began: "The question is, will Prescott help the Verde Partnership succeed?" Mechanic asserted that the "jurisdictions on this side of the mountain" (the city of Prescott and the towns of Prescott Valley and Chino Valley) are joining in a concerted campaign *against* the Partnership. However, Mechanic said, they tried but failed to show that the existing Partnership misses the requirements of the federal legislation authorizing it, and he charged them with failing to negotiate in good faith.

A map that Mechanic showed of the Verde watershed, which constitutes the geographic boundary of the Partnership, illustrated that most of Prescott Valley lies outside that area. Mechanic noted that the three cities want voting in the VRBP to be proportional to population, which would give them control of the organization if all of Prescott Valley had representation. But, because only a fraction of PVs population lives within the area, most of Prescott Valley's population should not factor into such a scheme.

Litigation Litmus Test

Michelle Harrington, director of the Rivers Program for the Center for Biological Diversity, assured the council that the Center is not and has never been a member of the Partnership. This is a concern for the Council, because the CBD has filed a notice of intent to sue the cities of Prescott and Prescott Valley for potential Endangered Species Act violations in connection with the planned pipeline from the Big Chino water ranch. CBD is currently waiting for the cities to engage in federal permitting activities before deciding whether to file such a lawsuit.

"I find it a little difficult that we're gonna be wantin' to race to sit down at the table with somebody that's just itchin' to sue us," Mayor Rowle Simmons said, adding that this was one of his major objections to the Prescott area cities joining the Partnership. Harrington said the Center has specifically held back from taking membership, hoping that this would

encourage the cities to join. She also noted that once, several months ago, a membership list had inadvertently included the Center, but that this error is corrected. The Center would like to participate in the Partnership, Harrington said, even with the understanding that it would not have a separate vote; as a national conservation group, it would be part of a caucus of similar groups, all of which together would have only one vote. The Center might nevertheless like to make suggestions and present information about species dependent on the river, but, "We're hanging back, waiting for you," Harrington said.

Jack Wilson, a Prescott citizen who is a member of the Verde Partnership, said, "I have explained [the issue of the CBD's non-membership] to Bob Roecker before, and Roecker understands it." He called that issue a red herring. Wilson then raised the question of a possible suit by Salt River Project (SRP), asking whether Roecker considered that a threat. "I don't," Roecker replied. Then Wilson pointed out that Chino Valley Mayor Karen Fann had recently described SRP as "her big fear."

SRP has not filed a letter of intent to sue, but the utility has a longstanding prior claim to Verde River flow, which raises anxiety in some circles about any impact Prescott/Prescott Valley pumping might have on those flow levels. Of course, towns in the Verde Valley also have an impact on the river's flow levels. On "that side of the mountain," however, this issue served as an impetus for joining the Partnership, since the organization can wangle federal funds to study the impact of pumping, as well as providing a channel to negotiate with SRP and deal with its claims.

Square One Revisited

Roecker then referred to a private meeting he had attended with Wilson and other officials to try to negotiate an agreement about the Partnership's structure. At that meeting, Roecker said, "I mentioned that your side was going to have to be open-minded enough to perhaps start over - and I meant *start over*." This would be necessary because what they worked out in that meeting "has obviously been shown not to be acceptable to the folks that are in these municipalities," according to Roecker. (None of the councils of the municipalities has yet voted on the acceptability of the VRBP's structure). Roecker expressed willingness to sit down again and start over.

"I don't think it's wise for the people who are going to be held responsible for whatever happens to move into an ad hoc organization that's completely formed," he said. "It's done. You guys got the tag, and you got all these things, all set up..." He noted that there are many groups involved; "but the issue is, who is going to be held responsible? Elected officials." Since March 2006, while Verde Valley elected officials have been working together with the other members of the VRBP to decide on its structure, Prescott, Chino Valley and Prescott Valley chose not to send any official elected representatives to take part in getting the organization formed.

Roecker touched briefly on an anxiety that Councilman Steve Blair had mentioned earlier. Roecker expressed it this way: "[VRBP has] got folks that may vote and they may not vote depending on whether it's political or not..." After the council meeting, Roecker explained that he was referring to the position of the dozen or so federal and state agencies, such as the Arizona State Land Department and the US Forest Service, that have chosen to have their representatives participate in the Partnership but are likely not to exercise their right to vote. In this respect the Verde Partnership does exactly resemble the Upper San Pedro Partnership (USPP), which Sen. John McCain urged the Verde group to use as a model. In the USPP several agencies take part in discussion, but they refrain from voting. Their overall role is to provide information and assistance to the decision-makers involved in that partnership.

Addressing Wilson, Roecker repeated that he was willing to sit down and start over. He said he had made at least three proposals for alternative ways to form the Partnership, all of which had been rejected, and now, "We're rejecting yours." Roecker did not specify who he meant by "we": none of the councils have voted to reject anything.

Wilson replied that many people would object to "starting over" because of the great amount of work already accomplished during the better part of this year, especially by the Partnership's Technical Advisory Group, which has worked closely with the Tucson US Geological Survey office on setting up a science plan. "To say [we're going] to start over and throw that [work] down the garbage is just unacceptable. I don't see how it's gonna work, and I don't see why we would want to do that."

Controlling the science

When asked, in a later conversation, what scenarios the elected officials might fear would happen, Roecker focused on the types of studies the Partnership members might decide needed to be done. "There may be some studies that are more appropriate than others," he said. "Policies and decisions will have to be made in a quicker way by councils in the Verde

Valley. If we've got a particular special interest who's pushing for [a different decision]," that could delay more important actions.

When he was speaking of Chino Valley Mayor Karen Fann, Jack Wilson also noted that she has a radio program on which she recently mentioned "scientists and how you could control them." According to Wilson, Fann compared the USGS scientists who have produced studies on the hydrology of the upper and middle Verde River to real estate appraisers, talking about how you can get a high appraisal or a low appraisal depending on who you use. Fann's analogy was evidently with perceived discrepancies between different USGS reports. Wilson said he had called in to Fann's show to object to the comparison. Roecker responded, "I have no problem with the USGS, I think they're terrific and their reports are thorough, and we should listen to what USGS says."

Council Member Jim Lamerson asked Roecker what, exactly, the Partnership would vote on, given that it has no authority to set policy. Roecker replied, "Policy will come out of what happens with these studies. So we have to be integrally involved in what happens during the process of organizing these studies, it's just that simple... The elected officials will be held responsible for what happens." Lamerson, not quite satisfied, asked again, "What are you going to vote on -- what you'll study?" Roecker answered "Yes," adding, "All the years in the WAC (Yavapai County Water Advisory Committee, which Roecker has co-chaired), where we work by consensus... I don't remember any studies rejected by this side of the mountain to date."

(After the council meeting, Roecker said that the upper reaches of the Verde River have been studied sufficiently, so no more are necessary there. Studies should examine the middle and lower stretches instead. He also cast doubt on the necessity of the VRBP's planned ecological flow model study. The Arizona Water Institute has recently awarded the Partnership a grant of about \$47,000 for this work.)

At the council meeting, Roecker continued, "We've got a fiduciary responsibility to our citizens. We've got a huge investment we're about to make to bring more water into our community, and we cannot allow ourselves to be put into an ad hoc group that we cannot --" Roecker paused here, and appeared to choose his words carefully -- "be assured that we can properly direct, and represent our citizens."

Council member Steve Blair asked, "All due respect Mr. Wilson, but what do we expect to get out of these studies?" Wilson responded that new studies will fill the data gaps in the Blasch and Wirt USGS studies, so that elected officials can make wise water management decisions. Funding could also buy software to help make the data more accessible, "like going from a table with a lot of numbers in it, to presenting that data so that anyone can understand it," Wilson said.

"Communicate"

Howard Mechanic spoke again, noting that he is not active with the Partnership, but voicing his understanding that "they want to study the Verde River to understand where the water comes from; how much water is needed to keep the river healthy; how much can it go down before you lose the health of the river. That needs to be understood. That's what this is about. Then the councils can make their decisions based on science." He concluded, "And what are we afraid of here? What the science is going to --" Roecker interrupted: "I'd ask you the same question. Why not let the elected folks that represent the population make the decisions and we'll move on?" He added, however, that this is not what he advocates, but that he urged "a major role" for elected officials. Wilson said they had such a role in the current Partnership structure.

Council Member Bob Luzius spoke in favor of joining the Partnership. "This is not a policy-making group," he said, "it's a scientific group." He spoke of "the \$8 million of federal money that all municipalities on either side of the mountain can use," adding, "There's nothing that the VRBP can do to hurt the citizens of Prescott. I just for the life of me cannot figure out why we don't want to go ahead with this." He concluded, "The best thing to do is just sit down, and go forward, and communicate. I repeat: communicate."

Luzius, who had a just had a long discussion with newly elected state senator Tom O'Halleran, quoted the legislator: "It's in the best interest of everyone that all parties on either side of the mountain come together and be involved in this Partnership."

"I couldn't agree more," Roecker said. After the council meeting, Roecker emphasized that he wants the Partnership to work, and that he feels optimistic about its prospects. He made his view clear, however, that it will *not* work with the structure that the current membership has developed over the past year.

Down to the Vote

Prescott citizen and Sierra Club Grand Canyon chapter president Tom Slaback entered the council chamber as the meeting was winding down. He presented the following questions for consideration: "Do you believe we should have complete scientific knowledge of the Verde Basin? Do you believe that it is better to have this knowledge sooner rather than later? Do you believe ... the \$8 million to fund scientific studies [should] come from the federal level rather than specially taxing local residents?" Slaback's conclusion: "If you answered 'Yes' to these beliefs, then vote to join the partnership to expedite our scientific knowledge of the Verde River Basin and enable us to make intelligent decisions in the future."

Prescott City Council will vote Dec. 12 on whether to join the VRBP. Prescott Valley's Town Council has not yet set a date for a vote. Chino Valley hasn't responded to the question as of press time.