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Enviro Groups Push To Scrap Army Fort Groundwater Plan

By Daniel Wilson

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-- Three conservation groups have urged an Arizona federal court to order the U.S. Fish and Wildlife Service and the U.S. Army to scrap and redo an Army base's groundwater pumping plan that the groups say will harm endangered wildlife.

The Fish and Wildlife Service's 2014 "biological opinion" allowing ongoing groundwater pumping at the Army's Fort Huachuca in Arizona wrongly ignored evidence that the pumping would negatively impact the nearby San Pedro River, the Center for Biological Diversity, the Grand Canyon Chapter of the Sierra Club and the Maricopa Audubon Society said in their motion for summary judgment on Friday.

The conservation groups urged the court to direct the FWS, its parent agency the U.S. Department of the Interior, and the Army to reopen a consultation process to address oversights in the most recent plan, take into account new evidence issued since 2014, and come up with a new plan that complies with the Endangered Species Act and ensures Fort Huachuca's pumping doesn't harm endangered species that use the river.

"It is time for the Court to put an end to [a] pattern of issuing unsound biological opinions that allow the Service and Fort to sidestep the ESA and continue groundwater-deficit pumping at great expense to listed species and critical habitat," the groups said.

Representatives for the DOI and the Army did not immediately respond to requests for comment late on Monday.

The San Pedro is one of the last free-flowing desert rivers in the southwestern U.S., fed by groundwater that rises up to the surface. It serves as a sanctuary for millions of migratory birds and a home for endangered bird, snake and plant species, according to the groups.

Groundwater pumping near the river, driven by Fort Huachuca as the largest consumer in the region, is depleting the local aquifer and — with an impact exacerbated by climate change — will likely dry up several sections of the river and its tributary, the Babocomari River, by 2050, affecting those species as well, they argued.

But the FWS' "fatally flawed" opinion has allowed the Army to continue with its pumping, the groups said.

The FWS, although required by the ESA to use the best available scientific studies, disregarded important evidence including scientific modeling from an independent firm hired by the fort itself, leading to a “counterfactual” conclusion that has mistakenly suggested that the fort’s groundwater plan will actually help surface water flows and won’t jeopardize at-risk species or their habitat, according to the groups.

There are also mistakes of analysis in the FWS plan, including giving the Army “illusory credits for offsetting nonexistent agricultural irrigation” and overstating the impact of related conservation easements, the groups said.

They alleged that there has also been more evidence issued since 2014 that has shown additional adverse effects from groundwater pumping, which supports a redo of the fort’s groundwater plan. This includes the fort’s own data showing that it has fallen short on its goals to recharge groundwater and new studies showing that the effects of climate change in the area are likely to come on faster and stronger than initially anticipated, the groups said.

The conservation groups informed the government of that evidence in December 2019, and the agencies were obligated to consider it, but have not yet acted on that information, the groups said.

The Fort and FWS have failed to properly take the ESA into account for nearly two decades, the groups said, noting that the court had previously overturned two earlier biological opinions related to groundwater pumping at Fort Huachuca due to failures in analysis and considering all relevant data.

The groups are represented by Stuart C. Gillespie, Heidi McIntosh and Thomas Delehanty of Earthjustice.

The government is represented by Jean E. Williams and John H. Martin of the U.S. Department of Justice’s Environment and Natural Resources Division.

The case is Center for Biological Diversity et al. v. Bernhardt et al., case number 4:20-cv-00106, in the U.S. District Court for the District of Arizona.