High Country News
For people who care about the West

Topic: Flora & Fauna Department: Feature Comments: 0

A pocket-sized bird takes on Sunbelt subdivisions

Feature story - From the August 30, 1999 issue by Tony Davis
MARANA, Ariz. - An eerie calm hangs over Dove Mountain, a mega-development spilling out of the saguaro-lined canyons about 30 miles northwest of Tucson. Here in the foothills of the Tortolita Mountains, developers have spent two years clearing the land for 9,000 homes, four golf courses and three resort hotels. Now, with 400 homes and two golf courses complete, the bulldozers have fallen silent.

Environmentalists, horrified at the large-scale grading of the desert, call the project "Dead Hawk," a parody of the development's former name of RedHawk. Until recently, however, there seemed little chance of stopping the project. It had been approved by the town of Marana, a development-friendly community of about 10,000 people whose slogan is "Come Grow With Us."

But then, in the summer of 1998, a fledgling cactus ferruginous pygmy-owl visited the Dove Mountain subdivision.

It was one of only 32 of the endangered owls that state and federal researchers found in southern Arizona that year. Although the state Game and Fish Department never discloses specific owl locations, environmental groups said in a legal notice that the bird stayed at the site from August to October 1998.

The owl's visit temporarily stopped the bulldozers at Dove Mountain, and tossed the project into the maelstrom surrounding federal protection of the pygmy-owl in the Tucson area. The dense, lush Sonoran desert scrub favored by developers on the northwest side of Tucson is one of the last refuges of the pygmy-owl in Arizona, and a collision is unavoidable.

Developers, biologists, public officials and environmentalists have agreed that there needs to be a long-term solution for dealing with Tucson's explosive growth. In theory, the proposed Sonoran Desert Conservation Plan would protect the owl and 17 other endangered species while allowing development of the least sensitive land near Tucson. It would cover more than 9,000 square miles - an area 10 times the size of San Diego's 1997 multispecies plan, long hailed as a national model. It would be, by far, the most complex plan of its kind. And many think it could be Tucson's best chance to rein in its sprawling subdivisions.

But the plan will take one to three years to complete, and development may not wait. As developers push to build thousands of homes in owl habitat, federal and county officials are groping for temporary solutions, and the near-consensus on the plan is threatening to break down.

Development boils over

On the northwest side of Tucson, the groves of ironwood and saguaro are so thick that it's impossible to take a walk without getting pricked by thorns. The relatively green surroundings and mountain views have made it the target of future growth in the region (HCN, 1/18/99). Another 400,000 people are expected to move to the metro area over the next 20 years, and Sunbelt subdivisions are springing

up to house them on the northwest side: Rancho Marana, Pima Farms, Tangerine Hills, Acacia Hills, Tangerine Crossing, Saguaro Springs.

While the housing market in the Tucson area thrives, the pygmy-owl's population in Arizona dwindles. The seven-inch-long bird was common from the Mexican border to north of Phoenix at the turn of the century. Over the next 80 years, people dammed, bulldozed, overpumped and otherwise destroyed most of the owl's riverside habitat across the state.

Wide-ranging surveys turned up more owls this year, but biologists still found only 78 of the reddish-brown birds in southern Arizona. And because scientists didn't start seriously studying the owl until shortly before the Fish and Wildlife Service listed it as endangered in 1997, they're just now beginning to understand its basic behavior and habitat needs.

Critics of the owl's listing have been quick to take advantage of this information gap. Many developers and a few scientists doubt the bird deserves protection, in part because Tucson is now at the northern edge of the owl's range. It exists in unknown but clearly larger numbers in Sonora and other northern Mexican states, but a century ago the birds were seen as far north as New River, 30 miles north of Phoenix. Opponents, such as Arizona Gov. Jane Hull, say it's pointless to protect the few remaining birds in the U.S. Supporters say the law still requires a listing, though, since the Fish and Wildlife Service can't consider the status of species in other countries.

The Pima County Board of Supervisors knew it couldn't ignore the Endangered Species Act. On May 19, 1998, under pressure from environmentalists, the board approved the preparation of the county-wide Sonoran Desert Conservation Plan. A year later, it appointed an 83-member steering committee of environmentalists and real estate industry members to oversee the plan.

Environmentalist Carolyn Campbell, director of the Coalition for the Sonoran Desert Protection Plan, says the regional plan, if it's watched closely, may change the direction of Tucson's growth and improve federal enforcement of the Endangered Species Act.

And Stanley Abrams, a veteran Tucson developer and steering committee member, says that even though he's not sure how endangered the bird is, he's committed to participating in the plan. "I do not know a rational builder who does not want to have certainty in knowing where you can and can't go."

A livable city

The heart of the endangered species planning effort in Pima County is the tenth floor downtown Tucson office of County Administrator Chuck Huckelberry. Huckelberry and his staff spend their days churning out study after study on the importance of the Sonoran Desert Conservation Plan.

In October 1998, Huckelberry unveiled his first recommendations. He proposed that the county buy more than 150,000 acres of mountain parks, ranches and riparian areas around Tucson and protect them from development, a number that has since increased to 400,000 acres. He also proposed that the board stop rezoning any of this land for homes or businesses while the plan is in the works, a suggestion the supervisors unanimously approved. Huckelberry's proposal drew widespread applause from environmentalists, developers and local officials, although some business leaders were leery of the $300 million to $500 million price tag.

In February 1999, Interior Secretary Bruce Babbitt told a congressional subcommittee that he knew of no higher priority for funding in his department's endangered species protection efforts than the Sonoran Desert Conservation Plan. Babbitt testified that this plan "really is the most exciting event of its kind anywhere in the United States."

If the owl limits development on the northwest side, taxpayers could save millions, says Huckelberry. Clearing the desert increases storm runoff in the washes of the Tortolita Mountains, creating a need

for at least $69 million in flood control. Many major roads on Tucson's northwest side are gridlocked during rush hours; widening them to meet expected growth over the coming decade will cost tens of millions of dollars more.

"If we had known 20 years ago what we know now about natural resources, the northwest side would look a lot different than it does today," " says Huckelberry. "We could have pockets of intense development interspersed with the ironwood forest, instead of the wholesale mass grading you see there."

The Center for Biological Diversity (formerly the Southwest Center for Biological Diversity, HCN, 3/30/98) supports the Sonoran Desert planning process, but center staffer David Hogan says the steering committee needs to make the conservation of wildlife and habitat the plan's top priority.

Without a stated goal like this, he says, "we might as well be talking about the management of kangaroos at the Phoenix Zoo."

Huckelberry dismisses such comments. "What David wants is to predetermine the outcome of the process, and that does not work," he says. "No single group, either the builders or the environmentalists, can dictate the terms of what will be acceptable to the community at the end of an open and unbiased process."

Environmentalists' criticisms are making developers and private property rights activists nervous, however. The Center for Biological Diversity has sued, so far unsuccessfully, to block the 1997 multispecies San Diego plan, a city-wide plan intended to protect the California gnatcatcher and its coastal sage scrub habitat. The group charges that the plan allowed the destruction of too much vernal pool habitat.

Officials of the Southern Arizona Homebuilders Association and the Pima County Private Property Rights Association wonder if there's any point to participating in the plan if the center will sue to block it once it is approved.

Huckelberry's answer to this concern is that without a plan, "the center will sue anyway," and will probably have a much better chance of winning.

The holes in the cheese

The bulldozers at Dove Mountain are parked for now, but developers who own land in owl habitat are impatient.

Because of a successful Center for Biological Diversity lawsuit against the Fish and Wildlife Service, in July of this year the agency designated critical habitat for the owl. A critical habitat designation is supposed to map out the land the species needs to recover, and the agency said the species needs 20,000 acres of desert scrub on Tucson's northwest side and 731,000 total acres across southern and central Arizona. Now, all federal permits for construction projects in these areas require a signature from the Fish and Wildlife Service.

Ryan Bale, an engineer for a homebuilder who wishes to build 44 homes in critical owl habitat near the Dove Mountain project, says the agency's influence in these areas is significant. His client is hesitating because of the new red tape.

"Nobody wants to design anything without having Fish and Wildlife first give tacit approval," he says. "It's almost as if we're all picking out a few people who haven't done anything with their land and making them pay for what we did to the rest of Tucson."

But until recently, the County Board of Supervisors and the Marana Town Council had routinely approved zoning changes for development projects in owl habitat around Tucson. Even though the county board of supervisors has since passed a resolution limiting rezonings in critical habitat, the county can't stop the previously zoned developments, including Dove Mountain. As a result, more than 12,000 additional homes may be built in or near critical habitat before the plan becomes a reality.

County Administrator Huckelberry and Marana planning officials say that if they don't stamp final approvals on the developments, they'll face lawsuits charging taking of private property. Environmentalists have suggested that the county buy this land to compensate the property owners, but the county wants to conduct biological studies of the entire region first.

So until the Sonoran Desert Conservation Plan is finished, the Fish and Wildlife Service will have to protect the owl and its habitat by evaluating Tucson-area construction projects one at a time. Mike Wrigley, an agency biologist in Phoenix, says it's like "looking at holes in Swiss cheese instead of the entire block."

Squeezing the toothpaste tube

To solve this problem, the Fish and Wildlife Service wants local governments to develop a second conservation plan for the northwest side of the city. This smaller-scale plan would guide ongoing development while the larger Sonoran Desert Conservation Plan is in the works. The two plans are supposed to be done "in concert" with one another, but environmentalists fear a second plan could undercut the Sonoran Desert plan's protections.

Homebuilders' association Executive Vice President Alan Lurie says he supports of a secondary plan. "If you were paying for land that you couldn't do anything with, and the only thing you had to look forward to was two, three, five years of haggling to find out what could be done," he says, "would you object if you had an opportunity to do something earlier?"

The ticklishness of the current situation became clear at a recent meeting of local officials and Fish and Wildlife service staffers in Tucson. Maeveen Behan, an aide to County Administrator Huckelberry, pointed out that in San Diego, officials had a "relief valve" to deal with short-term development: a federal rule, called a 4(d) rule, authorizing destruction of up to 5 percent of California gnatcatcher habitat during the development of the long-term plan.

David Harlow of the Fish and Wildlife Service replied that the rule was possible because 2,000 gnatcatchers live in the San Diego area. With only 78 pygmy-owls left, he said, "we don't have a lot of wiggle room."

The Sonoran Desert Conservation Plan is still in its earliest stages, and the owl's short-term survival at places like Dove Mountain is uncertain. In the long term, however, wildlife service officials predict that the plan will scale back northwest-side development and slowly push it into less environmentally rich areas, such as the creosote flats along Interstate 10 southeast of Tucson.

If owl habitat is a no-build zone, says Bill Arnold, a veteran real estate broker, newcomers will go to the city's already developed core along with the expanding southeast side. The resulting congestion in the city center may not be popular.

"From a planning point of view, that is good, because it maximizes the use of existing roads and other infrastructure," Arnold says. "From a neighborhood point of view, I don't think (Tucson residents) will be very happy."

He and University of Arizona economist Marshall Vest compare the owl's effects on growth to a toothpaste tube under pressure. Squeeze it in one place, they say, and the growth expands and pushes

out somewhere else.

But no matter where that growth moves, the pygmy-owl's presence ensures that it won't go unchallenged. "It is a whole new universe in northwest Tucson," says Kieran Suckling, the Center for Biological Diversity's executive director. "If there's going to be any development at all, it's going to have to be done in a completely new way to protect the pygmy-owl."

Tony Davis, a longtime contributor to High Country News, reports on growth and development issues for the Arizona Daily Star.

You can contact ...

* Carolyn Campbell, director, Coalition for the Sonoran Desert Protection Plan, 300 E. University Blvd., Suite 300, Tucson, AZ 85705 (520/629-0525);

* Pima County Administrator Chuck Huckelberry, 130 W. Congress, Tucson, AZ 85701 (520/740-8126).