

Issue 38 Summer 2009

A project of the Coalition for Sonoran Desert Protection in Pima County, Arizona
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- Arizona Center for Law in the Public Interest
- Arizona League of Conservation Voters Education Fund
- Arizona Native Plant Society
- Center for Biological Diversity
- Center for Environmental Connections
- Center for Environmental Ethics
- Defenders of Wildlife
- Desert Watch
- Drylands Institute
- Environmental and Cultural Conservation Organization
- Environmental Law Society
- Friends of Cabeza Prieta
- Friends of Tortolita
- Gates Pass Area Neighborhood Association
- Neighborhood Coalition of Greater Tucson
- Northwest Neighborhoods Alliance
- Oro Valley Neighborhood Coalition
- Protect Land and Neighborhoods
- Safford Peak Watershed Education Team
- Save the Scenic Santa Ritas
- Sierra Club-Grand Canyon Chapter
- Sierra Club-Rincon Group
- Silverbell Mountain Alliance
- Sky Island Alliance
- Sky Island Watch
- Society of Ecological Restoration
- Sonoran Arthropod Studies Institute
- Sonoran Permaculture Guild
- Southwestern Biological Institute
- Tortolita Homeowners Association
- Tucson Audubon Society
- Tucson Herpetological Society
- Tucson Mountains Association
- The Wildlands Project
- Women for Sustainable Technologies

Conservation Acquisition Program a Success, Gearing up for the Next Round

by Sean Sullivan

Keeping a Commitment to Voters

Just over five years ago Pima County voters approved over \$164 million in bond funds to acquire important conservation lands. Prior to the 2004 election, voters on numerous occasions approved open space bonds for the same purpose, including over \$25 million in 1997. These elections are proof of the community's commitment to protecting our natural heritage. Pima County, with the oversight of the citizen-based Conservation Acquisition Commission, has spent nearly all of the \$189 million bond funds from the 1997 and 2004 elections. What remains is a small amount dedicated to land acquisitions requested by Oro Valley, Sahuarita, and Tucson, and intergovernmental agreements are currently being negotiated to spend those dollars to support jurisdictional requests.

The approval and diligent use of these funds has protected saguaro studded hillsides in the Tucson Mountains, canyon lands in the Tortolita Mountains, unique riparian lands near Cienega Creek and the Brawley Wash in Altar Valley, desert grasslands in the southeast area of the county, the rolling hills of the Altar Valley, and much more.

The voter-approved Conservation Acquisition Program has successfully purchased over 51,000 acres of private land and holds the lease on over 127,000 acres of State Trust Land!

Recent acquisitions of land include the 2700 acre Empirita property located south of I-10 and adjacent to the Cochise County line, 160 acres adjacent to Saguaro National Park West, and 50 acres in the NW metro area along the Hardy Wash. All of the conservation acquisitions help protect the long-term ecological viability of the Sonoran Desert and the wildlife found here.

Gearing up for 2010, A Wise Investment

The continuation of this program is key to fully implementing the Sonoran Desert Conservation Plan (SDCP). The most important lands representing various habitat types for the 55 species targeted for protection through the SDCP were eligible for acquisition in the 2004 open space bond. The value of the identified lands far exceeds the amount of money approved in 2004. Thus, it is necessary for voter approval of more bonds in future years to complete the natural preserve system.

The Bond Advisory Committee has recommended to county elected officials that they hold a bond election in November of 2010. The citizen-run Conservation Acquisition Commission has recommended that the 2010 bond include \$285 million for this program. The Coalition is in full support of this recommendation and will work to continue funding this important program. We owe it to future generations to leave them a natural legacy here in southern Arizona.

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Who We Are

The Coalition for Sonoran Desert Protection's work aims to protect the Sonoran Desert's natural resources and biological diversity through our participation in the development of the Sonoran Desert Conservation Plan (SDCP). The Southwest

is one of the most biologically diverse and fragile regions left in the United States; once this visionary plan is completed and fully implemented, it can serve as a model for other communities embarking on similar habitat conservation plans for other biologically important and sensitive areas across the west and the country.

In 1997, the cactus ferruginous pygmy-owl received protection under the federal Endangered Species Act (ESA). This spurred dozens of conservation and neighborhood groups to come together to form the Coalition for Sonoran Desert Protection (Coalition) in February of 1998. The Coalition's main goal was to bring sound science and planning into the equation as Pima County was moving towards development of the SDCP. The Coalition has since become a leader in the planning process of Pima County's SDCP and other conservation efforts in the area, such as the Town Marana and the City of Tucson Habitat Conservation Plans.

The Coalition is comprised of 35 member groups. Those groups represent over 30,000 members. The Coalition staff works on a grass roots level with thousands of direct supporters.

The Coalition has non-profit (501(c)3) status through the fiscal sponsorship of Coalition member group Sky Island Alliance, and is able to operate through donations from individuals and support from a variety of foundations. The Coalition employs a full-time Executive Director, a full-time Associate Director and a 1/2-time Program Associate. In addition, several member organizations donate staff who dedicate a portion of their time to Coalition work, and many individuals from the community donate their time and energy to make the numerous and ambitious projects of the Coalition successful.

Some of Our Successes

Thanks to our member groups and the Coalition's regular supporters, we have made tremendous strides towards the goal of creating lasting protection for the Sonoran Desert. Thus far, the Coalition has many successes, including:

- Ⓞ Successfully persuaded Pima County to adopt the far-reaching Sonoran Desert Conservation Plan.
- Ⓞ Worked to amend Pima County's Comprehensive Land Use Plan to adopt a *Conservation Lands System* map and guidelines that protect the most biologically important areas in unincorporated Pima County.
- Ⓞ Successfully led the movement for the conception, promotion, and designation of the Ironwood Forest National Monument (IFNM).
- Ⓞ Through efforts on the Sonoran Desert Conservation Plan Steering Committee, achieved common ground with various stakeholder groups traditionally at odds with conservationists, including ranchers, developers, property rights advocates, and realtors.
- Ⓞ Completed, published, and distributed numerous reports, including a *Proposal for the Establishment of the Morris K. Udall Ironwood Forest-Upland Corridor National Monument*; *Economic Benefits of Protecting Natural Resources in the Sonoran Desert*; *Protecting the Sonoran Desert: an Exploration of Open Space & Habitat Conservation Plan Funding Mechanisms*; and *Proposal in Support of Tortolita Preserve*, among others.

So Long Tucson

by Sean Sullivan, Associate Director

It is with a heavy heart that I must now say goodbye to southern Arizona and the Coalition. It is a rarity to get paid to do something enjoyable, satisfying, and challenging and I am lucky to have found such a job. After moving to Tucson over fourteen years ago I never thought that I would have taken the path that I have. The beauty of the desert was not apparent to me then, but it was not too long after that I realized I was home. The plains of Nebraska, where I was born and raised, have nothing on the harsh and beautiful desert landscape of the Sonoran Desert.



The Coalition's mission is one that I will always support. Organizations that deal with habitat and wildlife protection at the local level are few and far between. Without this type of work, our public lands would no longer be surrounded by grasslands and desert seas. They would be surrounded by red tile rooftops as far as the eye can see. This community has made the decision to protect what makes Arizona unique and I will truly miss it.

I am now off to Jackson, Mississippi, along with my wife where she will be teaching at a small liberal arts college and doing summer research in the Yucatan. I am not exactly sure what I will do there. I hear that noodling (www.wikipedia.org/wiki/noodling) is popular so I may give that a go. Over the last five and a half years at the Coalition I have been fortunate to make many great friends and do something meaningful with my time here.

Coalition Staff *Please note our email address have changed!*

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Friends of the Desert Design & Layout: Julie St. John

- Ⓞ Facilitated a grassroots campaign that persuaded voters to support an Open Space Bond that provides over \$174.3 million to fund protection of lands in Pima County.
- Ⓞ Secured \$45 million for wildlife crossing structures within the 2006 Regional Transportation Authority (RTA) package.

The Coalition's wide array of outreach, education, advocacy, grassroots activism, and conservation planning activities are focused on achieving consensus between all stakeholder groups, and demonstrating overwhelming community support for regional conservation planning to ensure that our Sonoran Desert remains whole and viable for current and many future generations to enjoy.

Together we have a chance to leave a natural legacy.

Learn more about the Coalition and how you can help support our efforts at www.sonorandesert.org

Mountain Lions in the Tucson Mountains: Can they Survive in an Ocean of Sprawl?

by Lisa Haynes, Research Specialist, UA Wild Cat Research and Conservation, School of Natural Resources, University of Arizona

Many people are surprised to learn that there are still mountain lions in the Tucson Mountains, assuming they are long gone from this relatively small and isolated mountain range. And that reality may come true if we don't take very proactive, immediate steps to ensure their survival as integral, "keystone" components of our Sonoran Desert ecosystem.

At the University of Arizona, several researchers have come together and are forming the UA Wild Cat Research and Conservation Unit. One of our cornerstone projects is to assess the status of mountain lions (aka pumas, cougars, and panthers) in the Tucson Mountains. Funded by Pima County's Starr Pass Wildlife Enhancement Fund and the National Park Service, we, along with a group of totally awesome and highly dedicated volunteers, are collecting information about mountain lions (and also bobcats and other wildlife) in the Tucson Mountains. We are using noninvasive techniques such as tracking, DNA analysis of mountain lion and bobcat scat (feces), and infrared-triggered "sensor" cameras to determine population status and to detect the cats' use of potential wildlife "corridors" in surrounding underpasses, culverts, and the Central Arizona Project canal. Mountain lions require large, interconnected wild landscapes to survive, therefore protecting wildlife corridors, ensuring habitat viability, and creating or retrofitting safe passages across or under our transportation grid is critical. The most exciting and engaging aspect of our study is checking the cameras and downloading the photos. In addition to getting very cool mountain lion and bobcat photos, we have documented some fun and amazing wildlife behavior (and some pretty weird human behavior too). If you see one of our cameras, just smile, wave, and know that we're gathering critically needed information on the wild cats and other critters that coexist with us in this amazing little mountain on the west side of Tucson. Look for our study results in a future issue of the *Friends of the Desert* newsletter.



Remote cameras capture bobcat, mountain lion and gray fox. Photos by UA Wildcat Research and Conservation.

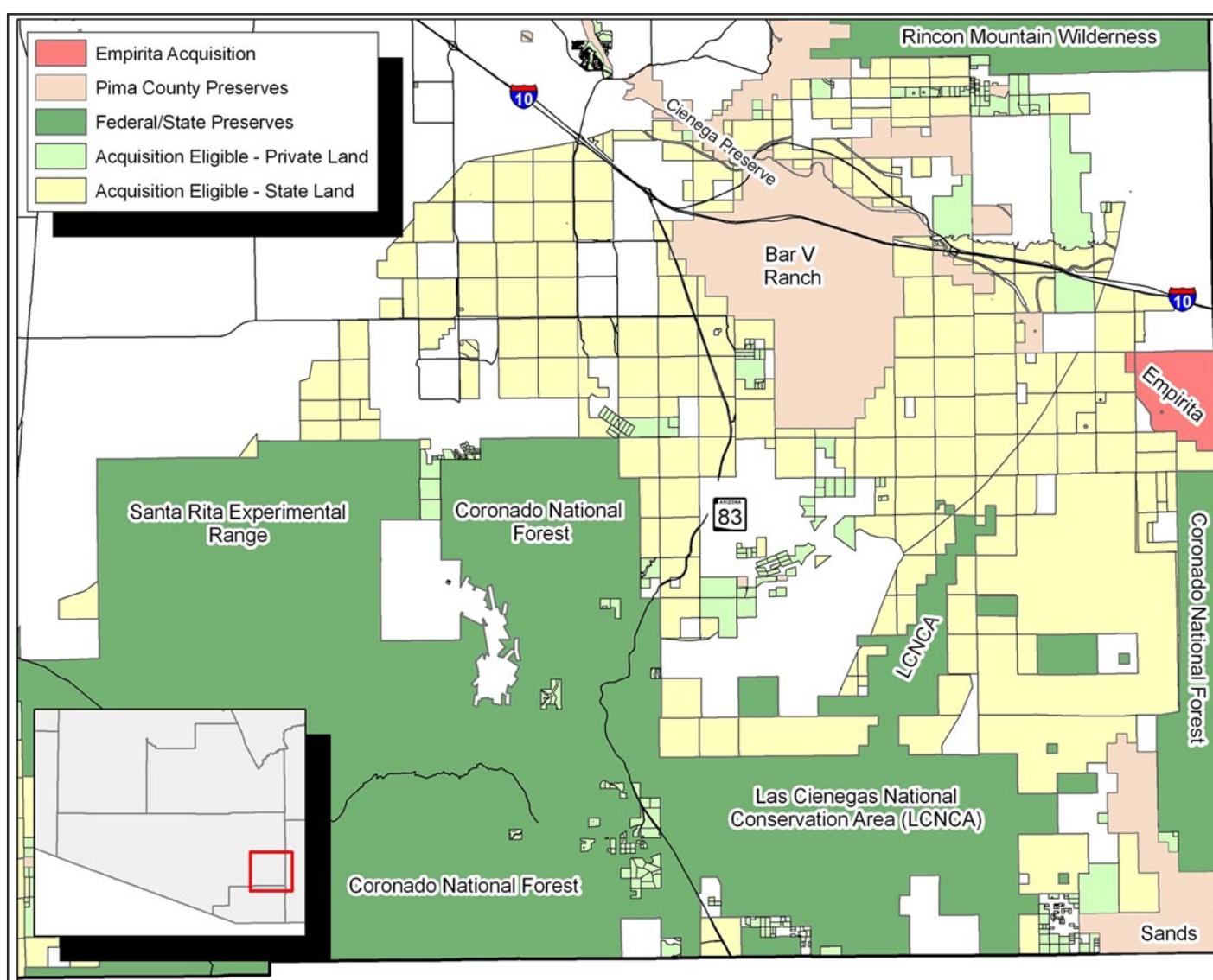
Conservation Acquisition Highlights



Photos of Empirita acquisition courtesy of Arizona Land and Water Trust.

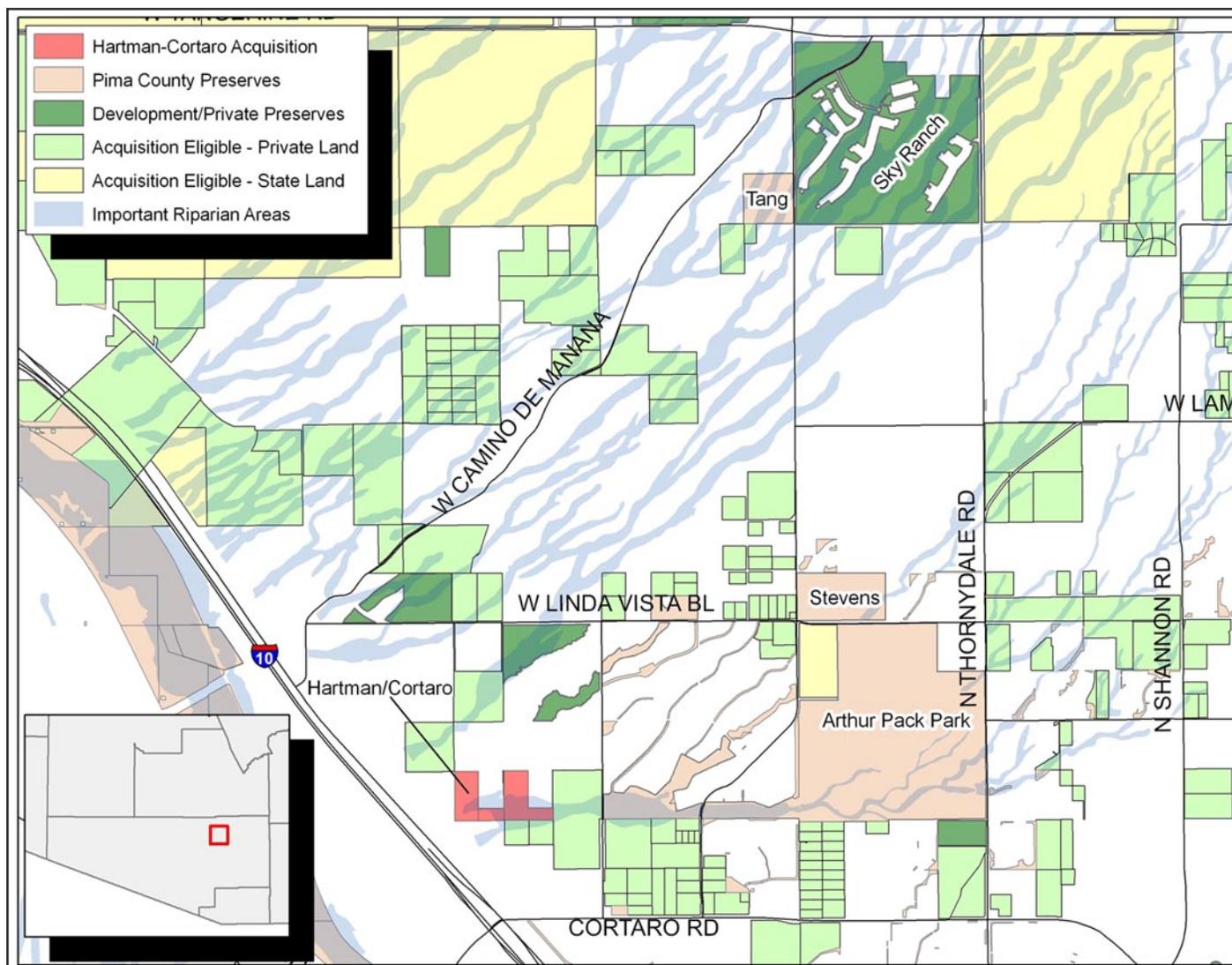
Empirita

This 2,700 acre acquisition is located a stone's throw from the Whetstone Mountains and Las Cienegas National Conservation Area in southeastern Pima County. The lands contain gently sloping, or in some cases steep rolling hills. Ephemeral washes can be found throughout the property. Empirita supports habitat for 19 of the 55 wildlife species protected under the Sonoran Desert Conservation Plan. The area also contains mesquite woodlands and native grasslands, which have been reduced by 69% within the state of Arizona. Significant water rights were acquired along with the land which will help protect the springs and streams in the area. This acquisition will contribute much to the surrounding protected lands and is another step towards a connected landscape in this area of the county.



Bobcat in northwest Tucson. Photo by Mike Leigh.

Do you have a photo of Sonoran Desert wildlife? Please send your photos to kathleen.kennedy@sonorandesert.org for publication in *Friends of the Desert!*



Hartman/Cortaro

The 50-acre Hartman/Cortaro acquisition is located on the NW side of Tucson and contains portions of the Hardy Wash, a significant and large riparian area. Other stretches of the Hardy Wash have already been protected through acquisition and development set-asides. The property is located in Arizona Upland Desertscrub and is dominated by washes lined with ironwood trees and creosote. The ironwood tree is a special element of the Sonoran Desert Conservation Plan and is located only in the Sonoran Desert. It is known as the tree of life because it supports an abundance of plant, insect, and wildlife species. The tree can reach as tall as 45 feet and can live up to 1,500 years.



Views to west and east of Hartman/Cortaro acquisition courtesy of Arizona Land and Water Trust.

Support the Coalition by Becoming a Monthly Donor

One of the easiest ways to become a Sonoran Desert activist is to become a monthly donor to the Coalition for Sonoran Desert Protection. Becoming a monthly donor will allow you to provide a steady stream of support for local conservation efforts. Now more than ever, we need support from people like you!

The Coalition has been at the forefront of local conservation planning, advocating for measures that give the strongest protections to our important native habitats and natural resources.

When you contribute to the Coalition, you help us continue our innovative environmental campaigns that are helping to preserve our irreplaceable natural treasures, save endangered and threatened wildlife, and protect this fragile desert environment. And you can be sure that your voice will be heard

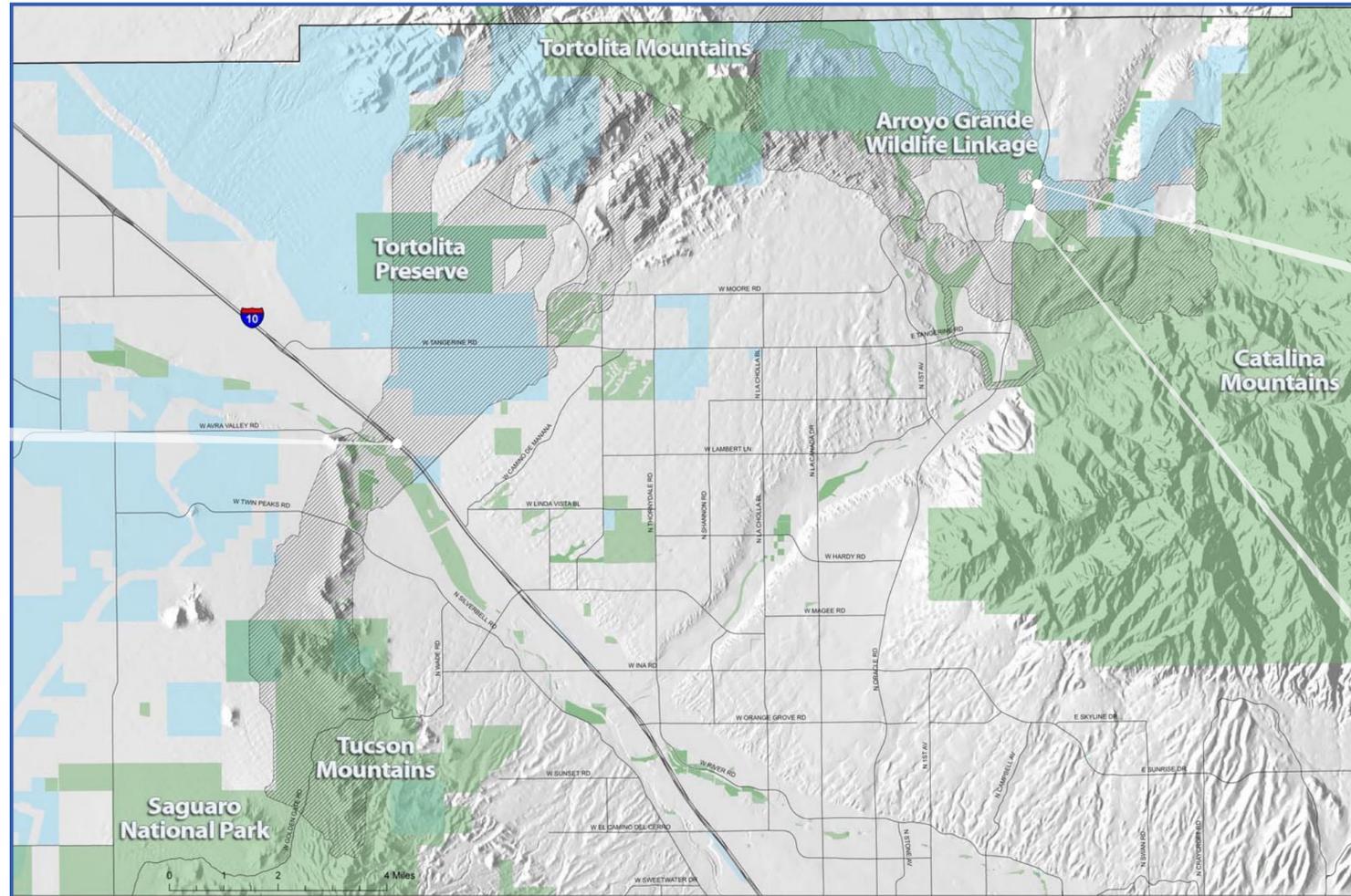
through our grassroots action on the issues that matter to you most.

The Coalition for Sonoran Desert Protection is a tax-exempt nonprofit organization operating under the 501(c)(3) status of Sky Island Alliance. All donations to the Coalition are tax deductible to the maximum extent allowed by law.

Contact the Coalition office (520.388.9925) to become a monthly donor or simply visit www.sonorandesert.org and click on **Donate Now**. This paperless giving option reduces fundraising costs by eliminating the need to mail supporter renewals. Your support ensures that our work will continue to protect the unique and diverse plant and wildlife found within our Sonoran Desert home.

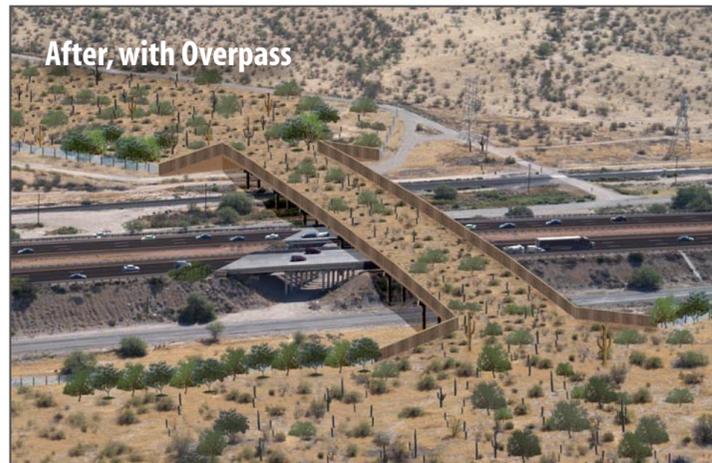
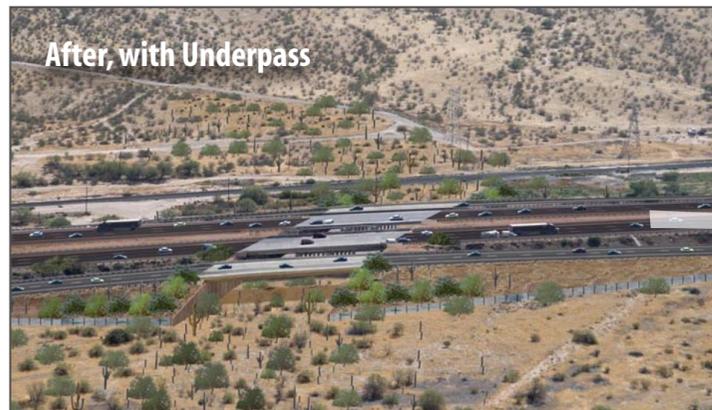
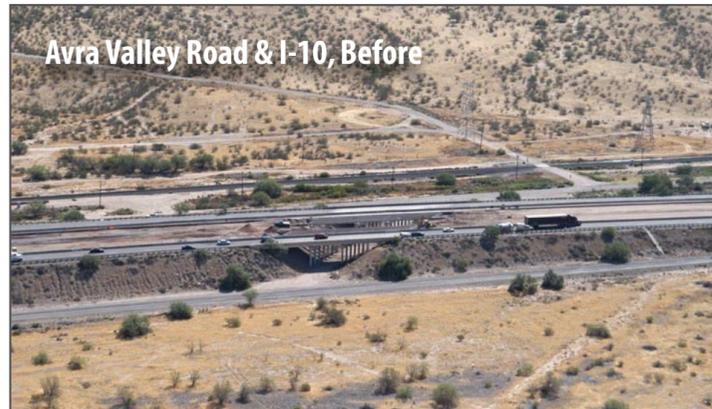
Safe Passages for Wildlife: Tucson–Tortolita–Catalina Mountains Wildlife Linkage

The map below identifies (hatch marks) a wildlife linkage design developed by Dr. Paul Beier through a scientific modeling process. The green areas are private, local, state, or federal preserve lands. The wildlife linkage was designed to connect core habitat areas found within the Catalina, Tortolita, and Tucson Mountains.



The photos on either side of the map show conceptual designs of wildlife crossing structures across State Route 77 / Oracle Road and Interstate 10 near Avra Valley Rd. These two roadways represent a significant impediment to wildlife movement. These structures will allow wildlife to safely move through the landscape. Additional structures will need to be constructed across smaller roadways as well as securing additional preserve lands within the linkage.

The Coalition for Sonoran Desert Protection is currently working with the towns of Marana and Oro Valley, Pima County, AZ Department of Transportation, AZ Game & Fish, AZ State Land Department, Saguaro National Park, Sky Island Alliance, Tucson Electric Power, US Fish & Wildlife Service, Union Pacific, University of Arizona, and private property owners to ensure the long term viability of the wildlife corridor.



Funding for these conceptual designs provided by:



Funding for these conceptual designs provided by:



See article next page for more information.

Safe Passages for Wildlife: Tucson–Tortolita–Catalina Mountains Wildlife Linkage

by Carolyn Campbell

In previous issues of *Friends of the Desert*, we have written about our efforts to provide for wildlife movement through potentially compromised lands in Pima County. These lands, largely located in urban and semi-urban parts of the county, will be lost forever if current development patterns continue.

Preserving movement corridors between protected preserves has been a longstanding and on-going priority of the Coalition. For the last 10 years, the Coalition for Sonoran Desert Protection has worked with Pima County and other agencies and citizens to develop the visionary Sonoran Desert Conservation Plan. Through this process, scientists have identified and prioritized important biological lands. Key elements of the conservation plan include not only the assemblage of large tracts of preserve lands, but protecting and restoring connectivity between these preserve lands throughout Pima County.

Currently, the mountain ranges surrounding the Tucson urban areas are in danger of becoming isolated. If this isolation occurs, many of the species in the various ranges will be extirpated, or lost, from our region. Furthermore, even with the protection of wildlife linkages, significant barriers such as roads exist that need to be redesigned in order to facilitate wildlife movement above or below these barriers.

Tucson Mountains to Tortolita Mountains

Protecting these linkages has proven to be very challenging. One of the most constrained wildlife linkages in Pima County falls between the Tucson Mountains and the Tortolita Mountains.

The Coalition has a vision to establish a viable, permanently protected, and robust wildlife linkage between these two mountain ranges that is based on the best available science, sustains the full range of biodiversity of the area and is supported by an engaged group of stakeholders. Much progress has been made in the last months to accomplish this, and our vision is beginning to take shape into an exciting reality.

Our vision includes an expansive preserved linkage between these two mountain ranges that consists of protected lands along a wide “traveling path” for wildlife. The creation of this pathway will be accomplished through land acquisition and the cooperation of local jurisdictions. One particular challenge in the viability of this linkage is the “bottleneck” that occurs at Interstate 10, where development has left minimal open space. In addition, the interstate itself, along with accompanying frontage roads and a railroad track, creates a formidable barrier for wildlife movement. Land in the vicinity of Avra Valley Road has been identified as the only potential crossing point for wildlife movement across Interstate 10.

Fortunately, much progress has been made recently to protect the overall linkage and the Avra Valley Road crossing point. Notable achievements include land acquisition, protected open space set aside through zoning by Pima County (on the west side of the Avra Valley Road exit area) and the Town of Marana (on the east side), and a piece of land being preserved through a conservation easement by Tucson Electric Power Company. This spring, the Coalition also brought together dozens of key stakeholders to discuss ways to accomplish our vision and goals for this linkage. Participants included state and federal agencies, Pima County, Town of Marana, Tucson Electric Power, private landowners, and development companies. A level of commitment was reached by the stakeholders that the Coalition believes can bring our vision to reality and this group will continue to work on specific projects that will build a protected landscape.

Monies that have been allocated towards protecting this linkage include impact fees from a housing development in Marana and sales tax revenues from a future commercial site. Additional funding could be provided by the Regional Transportation Authority’s Wildlife Linkage program and an open space bond that is currently being planned for the year 2010.

A project that seemed so daunting just a few short years ago is, while still challenging, being implemented step by step and we are truly optimistic about our chances for real success in protecting this important linkage between the Tucson and Tortolita Mountains.

continued next page

The Coalition Takes Flight

by Carolyn Campbell

Coalition staff and volunteer photographer Sky Jacobs recently had the opportunity to take flight over eastern Pima County. This was made possible by a wonderful environmental organization called LightHawk. Since 1979, LightHawk has been providing flights for partner organizations such as the Coalition, as well as for other community members and researchers.

The mission of our flight was to document the opportunities and challenges of the Critical Landscape Linkages that we are working to protect. Flying over and photo-documenting these linkages provides a unique perspective that cannot be accomplished otherwise (*see photos pages 6–7*).

Our flight began at Ryan Airfield. Our pilot was Dan Meyer, a retired National Park Service employee, and we met him and his Cessna 172 at 7am and headed out to see the sights.

Our flight first took us north through Avra Valley along the Central Arizona Project (CAP) canal. This canal, which runs over 300 miles north-south from the Colorado River, creates a linear barrier for wildlife. However, we were able to locate opportunities to provide infrastructure where permeability for wildlife still exists.

Flying northeast across Tucson Mountain Park and Saguaro National Park toward the Tortolita Mountains provided a bird’s eye view of what needs to be protected from further encroachment and where potential crossing points could be constructed over and under obstacles such as Interstate 10, the CAP canal, and railroad tracks to get critters safely across.

Flying over the Tortolita Fan toward the Catalina Mountains provided a similar perspective. An exciting opportunity has arisen because of the Coalition’s success with steps toward permanent protection of a 4000-acre wildlife linkage between the Tortolita and Catalina mountain ranges. Photos were taken to provide aerial views of three locations where underpasses and a wildlife bridge are being proposed for construction along Oracle Road. All of these photos are being used to graphically illustrate through artist renderings what these structures will look like and how they will function for wildlife (*see illustrations on pages 6–7*).

In addition to photography, the Coalition utilized the flights as a basis for future similar trips in the future with media and public officials.

We are appreciative of the wonderful contribution from LightHawk and the opportunities they provide for partners such as the Coalition to accomplish our goals.

Safe Passages for Wildlife *continued*

Tortolita Mountains to Santa Catalina Mountains

A successful collaborative process between the Coalition, Oro Valley, Pima County, and the Arizona State Land Department has resulted in a planned wildlife linkage between the Tortolita and Catalina Mountains that runs through the proposed 9000-acre *Arroyo Grande* development just south of the Pima-Pinal County line.

The Oro Valley Mayor and Council have adopted the Sonoran Desert Conservation Plan's development guidelines, which will help ensure that important biological resources within the Arroyo Grande planning area will be protected. Natural undisturbed open space has been clearly delineated, will be located in contiguous common areas rather than in back yards, and provides a buffer to the already protected Tortolita Mountain Park. And importantly, a kilometer-wide wildlife linkage has been established for protection, based on a corridor designed by Dr. Paul Beier, a researcher at Northern Arizona University specializing in wildlife connectivity.

The Coalition, Arizona Department of Transportation, and other partners are now developing a joint proposal to construct wildlife crossing structures over and under State Route 77 / Oracle Road. A draft proposal is scheduled to be presented to the RTA Wildlife Linkages sub-committee to authorize funding.

If funded, wildlife crossing structures will be installed during the Oracle Road widening project, and include two underpasses and one vegetated wildlife bridge. The overpass is planned for the southern section of the Arroyo Grande area in the designated wildlife linkage; the two underpasses are planned in drainages between the Big Wash and Catalina State Park.

These structures will be built solely for the purpose of facilitating wildlife movement between vast preserve lands and will be the first of their kind in Pima County. Once completed, we will be well on our way to reconnecting the landscape and preserving important native species and habitat. We hope that this will be the first of many similar projects throughout the region.

For additional background on this issue, please see our March 18, 2008 newsletter at www.sonorandesert.org.

LightHawk: A Primer

by Laura Stone, Rockies Program Manager, LightHawk

Founded in 1979, LightHawk's mission is to champion environmental protection through the unique perspective of flight. LightHawk's aerial perspective enhances environmental accountability and accelerates land, water and wildlife conservation efforts in the United States, Canada, Mexico and Central America. LightHawk's corps of 162 volunteer pilots — a hand-selected group of highly skilled, veteran aviators — flies over 700 missions each year for more than 160 partner organizations. Our volunteer pilots donate their time, aircraft, fuel, and expertise to these aerial campaigns, while LightHawk's staff provide the skills and expertise necessary to build effective flight campaigns for partner organizations.

The view from above is a powerful tool for illuminating a huge variety of environmental issues, particularly those that benefit from a large-scale view such as wilderness protection, habitat analysis, wildlife tracking, conservation of rivers and wetlands, restoration projects, threats from energy exploration and mining, and effective management of public lands. LightHawk flies carefully selected stakeholders who can affect conservation outcomes, encouraging collaborative solutions to complex environmental issues. In addition to staff and board members from partner groups, passengers include policymakers, journalists, scientists, photographers, funders, landowners, industry representatives, and students. An eye-opening first-hand experience of flight often inspires people to take action. Following a recent flight in Montana, Karen Knudsen, executive director of the Clark Fork Coalition, said: "If a picture is worth a thousand words, an overflight is worth a million."

Updates

Marana HCP in Final Stages

The Town of Marana's Habitat Conservation Plan (HCP) is in its final stages of review and revision. In December 2008, the Town submitted a Final Draft HCP to the U.S. Fish and Wildlife Service (USFWS). The HCP, along with an Environmental Impact Statement, was then officially listed in the Federal Register on March 2, 2009, beginning the federally mandated 60-day public comment period. The Coalition has participated on the Town's two HCP advisory groups, the Technical Biology Team and Stakeholder Working Group, since 2003. Our comments on the Marana HCP, submitted in May 2009, covered the following issues:

- ⊗ Use of the best available science, especially in the design of wildlife corridors;
- ⊗ Integration of policies and actions of Marana departments with conservation measures included in the HCP;
- ⊗ Conservation measures and future land use plans;
- ⊗ Species analysis and representation of impacts to habitat by covered activities;
- ⊗ Climate change; and
- ⊗ Need for assured funding measures.

The Coalition is generally supportive of the Marana HCP but also believes that significant changes need to be made pursuant to our written recommendations and comments. For the full text of the Coalition's comments, visit our website at www.sonorandesert.org. Now that the public comment period has ended, the USFWS is reviewing and compiling the public comments that were submitted and the Town of Marana is making revisions to the HCP before proceeding with the next steps in the review process. Future opportunities for public comment will be advertised on the Town's website at www.marana.com/hcp.

Pima County MSCP

In December 2008, Pima County released Draft V of their Multi-Species Conservation Plan (MSCP). This draft was a significant revision to Draft IV and will be followed by a Final Draft MSCP to be submitted to the U.S. Fish and Wildlife Service (USFWS) in the near future. The Coalition submitted comments on the Draft V MSCP in March 2009, covering the following topics: MSCP development; species loss and threat analysis; wildlife linkages; conservation easements; monitoring; leased State Lands and grazing; climate change; funding; specific species concerns; and off-site mitigation. The Coalition also submitted more extensive comments on the cactus ferruginous pygmy-owl in April 2009. Both sets of comments can be viewed at www.sonorandesert.org.

The County recently released written responses to all the comments received and is currently revising the MSCP into a Final Draft form. Once this is completed, the MSCP will be submitted to the USFWS with a draft Environmental Impact Statement and Implementing Agreement for more thorough federal review. The County is hoping to have this federal review process started by the end of 2009.

Fixing a Broken Clean Water Act: Congress Takes First Step!

Bill Needed to Protect Western Rivers, Streams, Wetlands by Joan Mulhern, Senior Legislative Counsel, Earthjustice

For decades, the Clean Water Act protected the Nation's surface water bodies from unregulated pollution and rescued them from the crisis status they were in during the late 1960s and early 1970s. Now these vital protections are being lost all across the country – most especially in the arid West – because of two bad US Supreme Court rulings (*SWANCC* in 2001, and *Rapanos* in 2006). As a result, legal uncertainty threatens countless critical resources with unregulated pollution, including headwater streams, lakes, tributaries, and wetlands.

The threat is enormous. An estimated 59 percent of the nation's streams do not flow year-round and 20 percent of the roughly 100 million acres of wetlands in the continental U.S. are "isolated." These kinds of resources face the greatest risk of losing protections. Small and seasonal streams help feed the drinking water supplies for more than 110 million Americans. In Arizona, a whopping 94 percent of streams and rivers are seasonal, and over 800,000 Arizonans get their drinking water from these waters, according to the EPA.

Legislation to overturn these decisions and restore pollution protections for all "waters of the United States" (the term used in law to describe our rivers, lakes, streams, wetlands, and territorial seas) has been pending for several years, but on June 18 the bill met a significant new milestone when a compromise version of the measure, known as the Clean Water Restoration Act, was voted on favorably by the Senate Environment and Public Works Committee. This is very good news — but still only the first step in a long and difficult legislative process, in which polluters of every stripe are fighting to kill the Restoration Act.

The federal flip-flop-flip on the status of the Santa Cruz River provides strong evidence of the urgent need for this legislation. The Santa Cruz River is a significant natural resource for the communities along its banks, and an important cultural and historic resource as well. In May 2008, after the Army Corps of Engineer's L.A. District staff conducted an extensive study, the District formally ruled that two long reaches of the Santa Cruz River in southern Arizona are "traditional navigable waters" (TNWs). However, soon thereafter, the Corps withdrew the findings from the agency's website – suddenly and without explanation – apparently repudiating or at least reconsidering their initial ruling.

An investigation by the Chairmen of the House Transportation Committee and the House Oversight Committee concluded that then-Assistant Secretary of the Army for Civil Works, John Paul Woodley, urged his staff to pull the initial determination after corporate lobbyists and other special interests complained about the ruling. His politically-motivated action endangered important resources; as the Corps' Regulatory Division's Deputy Chief explained:

If these reaches are not TNWs, there would be a *profound effect* on our ability to regulate tributaries of the Santa Cruz River. . . . An inability to find a significant nexus for these tributaries would lead to a wide loss of jurisdiction and *ultimately pose serious water quality concerns* for the area. (emphasis added)

Essentially, Corps' action could have undercut Clean Water Act safeguards for the headwaters and wetlands in the Santa Cruz watershed. Fortunately, in December 2008, EPA "flipped" back, reinstating the Corps District's initial determination that the two river reaches are "TNWs" and stated that they will continue to evaluate other reaches of the Santa Cruz River for that designation as well.

Meanwhile, protections for thousands of other water bodies all over the country have already been lost, or remain uncertain. According to some EPA estimates, over 15,000 bodies of water – streams, lakes, wetlands, rivers – have lost federal Clean Water Act safeguards since the first high court ruling in 2001. An internal EPA memo revealed that in an 18 month period in 2006 and 2007, over 500 Clean Water Act enforcement cases against polluters were dropped or "deprioritized" because of questions about the waters' legal status.

This is why Congress must act immediately to pass the Restoration Act. Representative Raul Grijalva is a long-time supporter of this bill in the House, but neither Arizona Senator John McCain nor Jon Kyl has taken a public stance on the measure. Please encourage them to do so in any way you can.

For more information, go to www.earthjustice.org.

Southern Arizona Buffelgrass Coordination Center Opens by Lindy Brigham, SABCC Executive Director

My first buffelgrass pull was Wednesday June 24, 2009. I woke at 5am to be at Gates Pass by 6am to meet the Sonoran Desert Weedwackers, a group of committed volunteers managed by the intrepid Marilyn Hanson. Being told by Marilyn that the group was a bunch of 'mountain goats' didn't quite prepare me for the reality of scrambling up 45° slopes with sliding rocks and teddy bear cholla. But the dedication and determination exemplified by this group for buffelgrass eradication is one of the main reasons I am eager and ready to take on the challenges of being the first Executive Director of the newly formed Southern Arizona Buffelgrass Coordination Center (SABCC).

Many people have worked long hours and many years to make the Center a reality. In February of 2007, a coalition of federal and state agency representatives, county and city leaders, university researchers, and staff from non-profit organizations held a Buffelgrass Summit which led to the formation of the Buffelgrass Working Group. This group developed the Southern Arizona Buffelgrass Strategic Plan in 2008. The Plan identified the need for a Buffelgrass Coordination Center and, through the hard work of community leaders, SABCC applied for and was granted 501(c)(3) status by the IRS. SABCC's mission is to provide a regional information center that

emphasizes an integrated management approach to address and control buffelgrass (*Pennisetum cilare*) in southern Arizona.

The center functions as a clearinghouse for information on buffelgrass eradication (mapping infestations, synthesizing research on methods and best practices, volunteer efforts, interagency data sharing), helps develop cooperative strategies between the many and varied jurisdictions in southern Arizona, and seeks funding for large scale mapping, eradication, and monitoring efforts. Although we've only just begun full-scale operations, our current priorities include engaging our congressional representatives in our funding efforts at the federal level, developing an overall mapping strategy to help with eradication and treatment planning and cost estimates of these efforts, and hosting a conference on buffelgrass science in the Fall of 2009.

SABCC seeks and encourages the involvement of all interested community members. You can find information on the center, including the Southern Arizona Buffelgrass Strategic Plan, a list of the SABCC Board of Directors, and opportunities to volunteer at our rapidly-evolving website www.buffelgrass.org

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The Coalition for Sonoran Desert Protection is a tax-exempt nonprofit organization operating under a 501(c)(3) umbrella. All donations to the Coalition are tax deductible to the maximum extent allowed by law. Your contribution will help us continue our innovative environmental campaigns that are helping to preserve our irreplaceable natural treasures, save endangered and threatened wildlife, and protect this fragile desert environment we call home.



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MEMBER GROUP HIGHLIGHT

Tucson Audubon Works toward Urban Sustainability

by Kendall Kroesen, Tucson Audubon Restoration and Urban Programs Manager

Tucson Audubon has embarked on a new program to address sustainability in Tucson and other metropolitan areas in southeast Arizona.

The first major emphasis of our urban program is sustainable landscaping. Many ecological issues can be addressed by good landscaping. Xeriscaping has begun to make a difference by lowering water use. However, often xeriscapes only contain decorative rock and a few desert spoons. This doesn't make habitat for much wildlife and these landscapes too often deflect rather than harvest rainwater.

Landscapes that harvest rainwater, on the other hand, grow native plants and have other design elements that can reduce groundwater overdraft, stem losses of riparian areas, and reduce the energy and carbon footprint associated with water delivery. They can also reduce the urban heat island effect, help control stormwater and non-point source pollution and provide habitat for declining bird populations.

Many Tucson residents watch and feed birds in their back yards and are interested in landscaping to attract birds. Tucson Audubon values this work and wants to help facilitate it! We've always helped people with products, services and advice about bird-related issues at our Audubon Nature Shop (629.0510 or www.tucsonaudubon.org). Now you can contact us for advice about landscaping and urban bird populations too.

In September we will teach our second class on landscaping for urban wildlife, and we are actively reaching out to neighborhoods to educate about birds and landscape. Call us at 206.9900 for more information.

In the future our urban program will move beyond landscaping to provide cutting edge information and techniques for living more in tune with the Sonoran Desert. Look to Tucson Audubon for a full range of services and advocacy regarding our urban ecosystem.



Tucson Audubon Society front yard improvements using xeriscaping techniques, Photo by Kendall Kroesen.