

New group will battle environmentalists over Vigneto and other projects

By Tony Davis, Arizona Daily Star | Sep 23, 2019



The Villages at Vigneto development would put 28,000 homes, along with retail and recreational facilities, on more than 12,000 acres near the San Pedro River. Mike Christy / Arizona Daily Star

Southwestern Communities Coalition board members

1. Cochise County Administrator Ed Gilligan.
2. Mike Reinbold, a partner and spokesman for El Dorado Holdings LLC, developer of the planned Villages at Vigneto project.
3. George Scott, director, Southeast Arizona Economic Development Group.
4. John Ladd, Bisbee, occupation not shown.
5. Jim Chilton, Arivaca-area rancher.
6. Toney King, Benson mayor.

Source: Arizona Corporation Commission listing of group.

A new nonprofit group says it will push for economic development and property rights in the Southwest, supporting projects such as the 28,000-home Villages of Vigneto in Benson.

In a news release, in interviews and on its website, the Southwestern Communities Coalition signaled its intention to battle what it calls “fake environmentalists,” who it says are using lawsuits to impede private landowners and drive them off their land.

While the news release doesn’t mention any groups by name, the group’s members’ comments and website clearly target the Tucson-based Center for Biological Diversity, one of six environmental groups that have sued to try to block the Vigneto project.

The Southwestern Communities Coalition announced its creation at a Benson meeting and news conference last week, saying it’s formed to protect “the future of small-town America.”

About 140 supporters attended the meeting, the group said.

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The following column is the opinion and analysis of the writer.

In its news release, it said it would promote “thriving communities, sustainable growth, a strong economy, sound stewardship of natural resources and protection of property rights, especially from radical groups bent on stopping all economic development.”

The group said it’s backed by 16 Arizona and New Mexico counties, including Cochise County but not Pima County, and that it has hundreds of individual members.

They include “ranchers, farmers, residents, wine makers, environmental organizations and others who are backing sustainable economic development,” the group’s news release said.

“While the Villages at Vigneto is just the most recent example of environmental groups’ ‘kill all development at any cost’ mentality, there are unfortunately many more examples,” said Brian Seasholes, the new coalition’s executive director, in the news release.

“This coalition isn’t about promoting one development. This coalition was formed as a commitment to promote continuous economic opportunities and to counter the false choice between a strong economy and healthy environment, which will enhance the lives of people in our communities and provide a future for our children.”

Seasholes and others involved with the group didn’t respond last week to questions from the Star about its budget or the source of its funding.

Seasholes’ LinkedIn page shows that he has worked in Arizona for the coalition since July. Previously, he worked as an independent consultant in the Washington, D.C., area for about two years.

He has worked more than four years in various positions for the Reason Foundation, a nonprofit group with a strong property rights bent. He’s worked for two other property rights and business-based groups: the Property and Environment Research Center and the Competitive Enterprise Institute.

The Vigneto project, the only one mentioned by the group so far, would build its homes in a 12,000-acre area south of Interstate 10 and east of Arizona 90. Its backers have said it would draw retirees and others from around the country to live in lush, semi-rural surroundings.

Opponents have charged — falsely, supporters have said — that the project’s groundwater pumping will dry up the neighboring San Pedro River. The project’s future is now tied up in federal court because of litigation filed by the environmental groups.

Other rural counties have encountered similar problems from environmentalist litigation, “many times not based on sound fact or sound law,” said Mike Reinbold, a partner in El Dorado Holdings LLC, Vigneto’s developer, and one of the new coalition’s six board members.

“It’s a serious problem that will get addressed by the coalition and will lead to people demanding greater transparency with things proposed for critical habitat for endangered species and more protection for property rights,” he said.

In singling out the Center for Biological Diversity for criticism, Reinbold and Lanny Davis, an attorney for El Dorado, cited a 2005 Pima County Superior Court jury finding that the group had libeled Arivaca rancher Jim Chilton with malice. The jury found the group had misrepresented the health of his 21,500-acre Forest Service grazing allotment in southwestern Pima County.

Specifically, nine of 10 jurors found that the center's 2002 news advisory on that allotment had contained false statements and misleading photographs regarding that allotment, the Arizona Court of Appeals ruled in upholding the jury verdict in 2006.

The jury, whose finding was upheld by higher courts, ordered the center to pay Chilton a \$600,000 judgment.

Reinbold said the coalition would try to help other ranchers and landowners fight back against claims by the center that they’re abusing the land. Davis said the group will fight “non-factual speculations based on fear” that projects such as Vigneto will despoil the landscape and damage imperiled species.

Just based on the Chilton jury’s verdict, “no one should take what the CBD (Center for Biological Diversity) says seriously without a high burden of proof — meaning proven facts,” Davis said.

He said the center’s and other groups’ arguments that Vigneto will dry up the San Pedro misrepresent the truth, and that there’s no study or other facts to support that conclusion.

Robin Silver, the center’s board chairman, said last week in an interview that the group had made mistakes in the Chilton case, has learned from them and that it paid a penalty for them.

“That doesn’t change the fact that we’ve led the fight to save what desert rivers are left in Arizona including the San Pedro. We’re doing everything we can so that the San Pedro doesn’t end up like the Santa Cruz,” said Silver, referring to the Santa Cruz River through Tucson.

He noted that his group commissioned a 2016 study by hydrologist Robert Prucha that found in three of five tested scenarios, Vigneto’s groundwater pumping would lower the water table beneath the San Pedro’s St. David Cienega by 0.8 to 1.5 feet within 100 years. That means the pumping will most likely infringe on the cienega’s federal water rights, Silver has said.

Vigneto’s Reinbold, noting that some scenarios showed impacts while others didn’t, called the study “pretty neutral,” and said a decline of a foot and a half is not the same as the cienega drying up.

A second study, done in 2017 by Tucson hydrologist Chris Eastoe, also concluded that a large increase in groundwater pumping in the St. David area — about four miles east of Vigneto — would eventually dry up the cienega.

Kieran Suckling, the center's director, said the coalition's formation is a clear sign that Vigneto is having problems, both legal and political, due to widespread opposition to it among environmentalists.

He also referred to a whistleblower revelation earlier this year that political pressure sped the way for Vigneto's approval.

Steve Spangle told the Star that when he was a U.S. Fish and Wildlife Service official, he was pressured by Interior Department higher-ups to soften his legal stance on the project.

While Interior officials haven't directly addressed Spangle's allegations, Vigneto attorney Davis has said the weight of the evidence shows that the feds changed their stance strictly due to "the facts and the law," not political pressure.

Vigneto's "ill-conceived development is collapsing under the weight of federal whistleblowers, federal judges and investigative journalism," Suckling said.

At the Benson session announcing the coalition's formation, Seasholes in turn blasted "fake groups" that "own no land; rent no land, lease no land."

"All these fake groups do is file lawsuits that do enormous harm to the environment by harming working landowners," he said. "Have you seen a lawsuit do any real conservation ... construct water conservation infrastructure ... control invasive species ... create a sensitive, rotational grazing plan?"

"All of these issues take a lot of hard work to achieve, not filing lawsuits. They take people of good will, working cooperatively, compromising and finding creative solutions," he said.