



Center for Biological Diversity

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Railroad Sale Challenged as Risk to River

Sale Approved Without Environmental Review

Phoenix, Ariz.—The Center for Biological Diversity filed suit today in U.S. District Court in Arizona against the federal Surface Transportation Board (STB). The lawsuit charges the agency with failing to consider the impacts of proposed railroad operations on the San Pedro Riparian National Conservation Area.

There has been little or no service on the disputed railroad line for several years, and the current owner, San Pedro Railroad Operating Company, LLC, planned to retire the 76.2 miles of line between the border and Benson in Cochise County. However, Sonora-Arizona International, LLC offered to purchase the railroad and restart operations, and the company recently revealed its plans for new operations.

The railroad runs along the banks of the San Pedro River through the Riparian National Conservation Area. The planned railroad operations would bring hazardous toxins within close proximity of the ecologically rich river, seriously damage the riparian corridor, and bring unmitigated development to Naco, Arizona and Naco, Mexico. These and other potential impacts were not analyzed by the STB before giving final approval of the sale of the rail line on May 3, 2006. The financial transaction is to be completed by July 12, 2006.

“The Surface Transportation Board completely ignored its responsibilities by approving this sale without looking at the serious impacts it would have on the San Pedro River. A hazardous material spill would be a travesty in this nationally recognized conservation area,” said Michelle Harrington, Rivers Program Director for the Center for Biological Diversity.

In August 2005, at least two railroad cars overturned and spilled sulfuric acid into the Santa Cruz River at Nogales, Sonora, threatening water supplies and prompting a state of emergency on both sides of the U.S.-Mexico border. Sonora-Arizona publicly stated that it plans to carry sulfuric acid on the railroad, and the Center fears a spill would create a crisis for the San Pedro River.

San Pedro Railroad petitioned the federal government to abandon the deteriorating rail line and salvage the steel tracks, opening the railroad corridor for a rails-to-trails project. The trail project received support from Cochise County and the Bureau of Land Management.

“The rail should be abandoned and the area converted to a trail system. This would benefit the river and wildlife as well as the community. Providing more access to hikers and birders will bring additional tourism dollars to the area,” said Harrington.

The San Pedro is the last surviving desert river in the Southwest. Congress recognized its importance in 1988 with the creation of the San Pedro Riparian National Conservation Area. It provides the most intact habitat in the world for the endangered Huachuca water umbel, and is prized for its outstanding diversity of migratory birds, wildlife and cottonwood-willow forest.

“The San Pedro is an irreplaceable gem in the desert, important to all Arizonans and the nation. A noisy, toxic railroad through the heart of the San Pedro Riparian National Conservation Area subverts all of the hard work done to protect the river and thwart’s the intentions of Congress,” said Harrington.

According to Howard Shanker of the Tempe office of The Shanker Law Firm: “The Center has been struggling for years with state and federal government entities to try to save the biologically rich and sensitive riparian ecosystem that will be impacted by this ill conceived rail line proposal. Hopefully, at some point, regulators will acknowledge the damage that they continue to allow to the area on many fronts. Until then, the burden falls on organizations like the Center, and private individuals, to do what they can to try to save the San Pedro. This is an unfortunate state of affairs. For now, however, we can, at least, make sure that the STB complies with all the requirements of law before they contribute to the further decimation of the San Pedro River and the San Pedro Riparian National Conservation Area.”

The Center is represented in this case by Howard Shanker, The Shanker Law Firm, PLC.

The Center for Biological Diversity is a non-profit conservation organization with more than 22,000 members dedicated to the protection of imperiled species and their habitats.

The Shanker Law Firm, PLC is located in Tempe, Arizona (480-838-9300, toll free: 1-877-848-9300).

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