

**BLACK  
MOUNTAIN**  
CONSERVANCY

**NEWSLETTER**  
**SPRING 2003**

***The Big News!***

**Two Important Firsts for BMC**

*by Pat O'Brien, Board Member*

Black Mountain Conservancy is pleased to announce two milestone events in the life of our organization. We have hired our first staff person, Susan Mueller, and we have rented our first office space in Cave Creek.

These decisions are an outgrowth of the strategic planning that we did last summer. As we identified the priority tasks before us, and assigned time to each task, it was apparent that our small volunteer organization could only do part of the job. In addition, our national LTA (Land Trust Alliance) consultant encouraged us that the hiring of staff would help propel us to the "next plateau" in the achieving of our mission.

Susan Mueller has joined us in the part-time position of Executive Director. A Cave Creek resident, Sue spent 25 years with McDonnell Douglas Aerospace in Systems Analysis and Data Management. She retired in 1999. She has been a member of the Sonoran Arts League since 1997, serves as an Arizona Site Steward, and is active in the Desert Foothills communities.

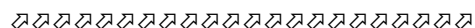
BMC Vice President Jon Kirst headed up the search committee. "We are very pleased Sue has agreed to help move our organization forward to accelerate efforts to preserve Black Mountain."

Sue will be situated at our new office located at 7005 Cave Creek Road, Suite #106. Though modest in size, it does have a view of Black Mountain.

For the last several years BMC has operated out of members' homes. We can now move the filing cabinets, boxes of papers and telephone lines that have accumulated in several locations to a place where everything is organized and accessible.

"We have worked hard to get to this point," says Dave Mills, President of the Black Mountain Conservancy. "Our organization has been staffed solely by volunteers. With the addition of Sue, and a real office, we can centralize the location of our efforts to greatly improve our efficiency and effectiveness."

Mail to BMC should still be directed to: PO Box 7192, Cave Creek, AZ, 85327. The telephone number remains the same: 480 575-5835.



## **Development on the Mountain Continues**

*by Gretchen Mills, Board Member*

Two major residential developments are in the pipeline encroaching ever higher up on the mountain. *Las Piedras Grandes* received preliminary plat approval in February from Cave Creek for a subdivision of 13 houses on 30 acres on the northeast side of the mountain above Skyline Road. *Carefree Vista Estates* is proposing 7 houses on 32 acres on the southwest flank of the mountain with variances for minimum lot frontage in order to use existing "pads" that already scar the mountain. Both developers contemplate building the infrastructure (roads, sewer, water lines, etc.) now, with no time estimate to complete the construction of these high-end houses.

While respecting property owners' rights, one of BMC's goals is to minimize the impact of development on Black Mountain. Approximately 500 acres of the mountain, below the 250-acre summit preserve, and generally above the 2300' elevation contour is under private ownership by some 60 individuals.

The Conservancy is seeking land donations or permanent conservation easements to protect this signature landmark. We are also advocating for strict enforcement of town codes to mitigate the effect of infrastructure and building to protect the scenic enjoyment for both those on the mountain and those who enjoy the view of the mountain from a distance.

## ***President's Message***

### **What's Up Up Top? (cont.)**

*by Dave Mills, President*

Picking up where we left off in the Fall Newsletter, many good things have transpired in our collective efforts to transfer the top of Black Mountain into local control and local care.

In the last newsletter we indicated that controversy had developed last Fall among certain members of the Maricopa County Parks Commission regarding use of the land and public access issues. To air these questions, the *Sonoran News* sponsored a Town Forum held on November 20th. This meeting was well attended by local citizens, with over 100 in the packed Cave Creek Town Hall; remarks and presentations were made by Mayor Francia of Cave Creek, Mayor Morgan of Carefree, Bill VanAusdal of the Parks Department, and by three BMC directors. The take-away from the meeting was clear: there is overwhelming sentiment among the community for the mountaintop to come under local control, and the hikers' would like the access issues solved sooner rather than later.

Because the County Board of Supervisors decided in November to restructure the Parks Commission, to reduce it to seven members to be a more manageable size, the scheduled December presentation date was deferred until "February or March."

In early January, BMC encouraged both towns to meet to develop strategies for management of the mountain and presentation to the Parks Commission. This meeting was held on January 10th; it was agreed that the first order of business is to determine the form of an IGA (Intergovernmental Agreement), and to bring an empowering resolution before the two town councils for consideration and approval prior to any presentation to the Parks Commission. The concept of the IGA is that the existing BLM (Bureau of Land Management) patent will be split along town lines, and the IGA will be comprised of representatives of both towns and will have cost and liability sharing provisions. The IGA will be the decision-making entity for all aspects of the 250 acres.

Mayor Francia is leading the process of working with the private property owners to create legal access. The most probable alternative is along the School House Road alignment, utilizing the existing public road and patent easements. With this plan, impact on property owners will be minimized.

On January 30th the towns met with Bill Scalzo, Director, and Bill VanAusdal, Deputy Director, of the Parks Department. This was the first meeting of the towns and the Parks Dept. on the subject of the transfer of the top of the mountain. The primary purpose of the meeting, as described by one of the participants, was for the Parks Dept. to hear from the towns as to the towns' plan of management, including IGA, public access, and stewardship. The Parks Dept. did not suggest trails from both towns, as reported elsewhere. The towns reported that they intend to bring IGA resolutions before their town councils; that progress had been made on the access question; and that stewardship was contemplated as being managed from the Cave Creek Recreation Department. The towns will make presentation to the Parks Commission in April, providing ample time to act on the IGA resolutions and to prepare the presentation.

The overall goals of local control and local care now seem to be well underway. We are pleased that our two-year effort has reached this point. BMC looks forward to working with the towns in the furtherance of this endeavor.

As a reminder to all, the transfer application process involves both Maricopa County and the Bureau of Land Management, and will take upwards of two years to complete. The governing Federal law *requires* that the towns have a plan of access for this public land, but allows for limitations of this access in order to protect the land itself. All parties agree that the emphasis is upon preservation of scenic open space, balanced with access and stewardship.

Mayor Francia intends to hold another public input meeting on the summit in March – look for announcements of this meeting in local papers, or call Town Hall at 480 488-1400. And we encourage all who are interested to attend the Parks Commission meeting – likely Tuesday, April 8th at Noon, 411 N. Central, Phoenix, 1st floor conference room; call 602 506-2930 for confirmation.

## **Trail Issues Need Resolution**

*by Tom McGuire, Board Member*

An Intergovernmental Agreement (IGA) between Cave Creek and Carefree is being crafted and the transfer of the summit property from Maricopa County to the two towns seems to be on track. But issues of public access and the rights of private property owners surrounding the public land are difficult to solve by consensus.

Some local hikers feel that because they have been hiking the mountain for many years, their access is established. Most of these people are conscious of the need to be ecologically sensitive and to avoid displeasing the landowners. But their argument of established access is questionable, and is in direct conflict with the rights of property owners to control their land. By posting their land, owners along the "trail" have taken steps to inform the public that they do not give permission to traverse their property.

These owners point out that law enforcement officers have a duty to protect those whose rights are in jeopardy. Some of them feel that the Town of Cave Creek has not given them the protection they deserve.

Easements up to the public land have been mapped by Cave Creek as the town moves forward

