

# Office of Attorney General Terry Goddard



STATE OF ARIZONA  
DEPARTMENT OF LAW  
1275 W. WASHINGTON STREET  
PHOENIX, ARIZONA 85007-2926  
[WWW.AZAG.GOV](http://WWW.AZAG.GOV)

ANDREA M. ESQUER  
PRESS SECRETARY  
PHONE: (602)-542-8019  
CELL PHONE: 602-725-2200

FOR IMMEDIATE RELEASE

---

## Terry Goddard Files Lawsuit Over Developer's Destruction of State Resources

(Phoenix, Ariz. – February 14, 2005) Attorney General Terry Goddard today announced a multi-count civil action against land developer George H. Johnson and several of his companies. The lawsuit stems from Johnson's attempt in 2003 to construct a large residential community in southern Pinal County and his work on the banks of the Little Colorado River in Apache County.

"The wanton destruction of Arizona's heritage resources by George Johnson is unprecedented," Goddard said. "This action represents the coordinated efforts of five state agencies."

The lawsuit charges the defendants with numerous violations of state law and destruction of the State's natural and archeological resources, including:

- Illegally bulldozing and clearing approximately 270 acres of State Trust Lands located in and near the Ironwood Forest National Monument and the Los Robles Archeological District.
- Bulldozing and clearing an estimated 2,000 acres of private lands in the Santa Cruz River valley without obtaining permits required by State law.
- Destroying portions of seven major Hohokam archeological sites, circa A.D. 750-1250.
- Destroying over 40,000 protected native plants on State Trust Lands, including Saguaro, Ironwood, Mesquite, Palo Verde, and numerous other protected species.
- Failing to comply with statutory requirements relating to destruction of protected native plants on private lands.
- Violating the State's clean water laws by failing to secure required permits and discharging pollutants into the Little Colorado River, and the South Fork of the Little Colorado River, and tributaries to the Santa Cruz River.
- Negligently causing a disease epidemic that resulted in the death of at least 21 rare Arizona desert bighorn sheep and serious injury to numerous others.

"The State Trust Lands bulldozed by Mr. Johnson were among the most diverse and pristine in Arizona," Goddard said. "This area was selected by the President of the United States to be part of the Ironwood Forest National Monument, and now they are lost. It is tragic that Arizona residents have lost rich archeological sites that had been included within the Los Robles Archeological District in the National Register of Historic Places."

The lawsuit was filed on behalf of the Arizona Department of Environmental Quality, the Arizona State Land Department, the Department of Agriculture, the Arizona State Museum, and the Arizona Game and Fish Commission.

"Arizona's water resources must be protected and anyone who violates our state's water quality protection laws will be held accountable," said Arizona Department of Environmental Quality Director Steve Owens. "Nobody is above the law."

The State's lawsuit alleges that in early 2003, business entities controlled by Johnson acquired two large ranches in Pinal County located along the Santa Cruz River in an area designated by the County as "development sensitive" and "rural." In the months that followed, Johnson asked the Pinal County Planning and Zoning Commission to approve a detailed development plan that would have included over 67,000 homes, a resort, and multiple golf courses and businesses.

The lawsuit alleges that at the same time his development requests were being considered, Johnson moved bulldozers and other equipment into the area and began to clear an estimated 2,000 acres included in "Neighborhood I" of the proposed development. At no point did defendants obtain the required permits under the State's clean water regulations or provide notice under other applicable laws, such as State native plant laws.

"To make matters worse, Mr. Johnson's bulldozers drove right by his own survey markers and bladed and cleared State Trust Lands," Goddard said. "We are not talking about a few feet here and there, we are talking about moonscaping 270 acres over a period of many weeks, knocking down Saguaros, filling in creeks and washes used by wildlife, and destroying priceless archeological sites."

The lawsuit also alleges that while the bulldozing was in progress, Johnson also brought in 4,000 to 5,000 domestic goats, which are known carriers of disease that may be communicated to Desert Bighorn Sheep. Many of the goats escaped and found their way into the Silver Bell Mountains and the surrounding area, communicating infectious keratoconjunctivitis and contagious ecthyma to Silver Bell bighorns, leaving them blind and vulnerable to falling from steep terrain, predators and malnutrition. The Game and Fish Commission intervened swiftly to provide medical care, using helicopters to send in veterinarians and wildlife specialists, and numerous volunteers assisted in removing the goats. In spite of the efforts, at least 21 of the bighorns died as a result of the epidemic.

The suit seeks penalties under the Native Plants Act for destruction of the protected plants on State Lands and failure to notify the State of pending instruction of protected plants on private lands; damages for the intentional trespasses on State Trust Lands, including damage to plants, archeological sites, and washes; penalties for numerous violations of clean water statutes and regulations; and damages for loss of 21 desert bighorn sheep.

###