

SAVING THE



SAN FRANCISCO PEAKS

ISSUE: **2** SUMMER
2011

SPRING 2011
STRONGHOLD DISTRO CELL
STRONGHOLDZ.WORDPRESS.COM
SURVIVALSOLIDARITY.WORDPRESS.COM
FROM OCCUPIED AKIMEL O'ODHAM PI-POSH LAND
OODHAMSOLIDARITY.BLOGSPOT.COM

PAGE 5 AND 13 PHOTOGRAPHY BY: DANIEL TULLIE

FOR FURTHER INFORMATION ON THE SAN FRANCISCO PEAKS PLEASE SEE:
TRUESNOW.ORG
SAVETHEPEAKS.ORG
INDIGENOUSACTION.ORG

This zine is the second of Strongholdz medias publications (the first "Saving the San Francisco Peaks August 2010") efforts to help spread the story of the battle being fought to protect the San Francisco Peaks from Arizona Snowbowl. Arizona Snowbowl has been invading the Peaks since the 1930's. Recently on March 31, the Ninth Circuit Court of Appeals denied an emergency motion to stop Snowbowl ski area and the U.S. Department of Agriculture from cutting down thousands of trees on the San Francisco Peaks, outside of Flagstaff, Arizona. On May 24, 2011 Snowbowl owner Eric Borowski announced his plans to start development.

Arizona Snowbowl is a clear example of present day colonialism. If Snowbowl does attempt to expand they will undoubtedly be met with resistance. The San Francisco Peaks are sacred to 13 tribes. Help protect the Peaks by sharing this story and organizing to defend them from Arizona Snowbowl!



PROTEST HALTS SNOWBOWL WASTE WATER PIPELINE CONSTRUCTION END DESTRUCTION AND DESECRATION OF HOLY SAN FRANCISCO PEAKS

Contact: Beth Lavelly protectpeaks@gmail.com

Flagstaff, AZ – At sunrise on Thursday, June 16, 2011, more than a dozen people stopped ski area construction on the Holy San Francisco Peaks. Six individuals used various devices to lock themselves to heavy machinery and to each other inside the waste water pipeline trench.

Kristopher Barney, Dine' (Navajo) & one of the six who locked himself to an excavator stated, "This is a continuation of years of prayers and resistance. It is our hope that all Indigenous Peoples, and all others, throughout the North, East, South and West come together to offer support to the San Francisco Peaks and help put a stop to Snowbowl's plan to further destroy and desecrate such a sacred, beautiful and pristine mountain!"

"What part of sacred don't they understand? Through our actions today, we say enough! The destruction and desecration has to end!" said Marlena Teresa Garcia, 16, a young Diné woman and one of the six who chose to lock down. "The Holy San Francisco Peaks is home, tradition, culture, and a sanctuary to me, and all this is being desecrated by the Arizona Snowbowl Ski Resort. So now I, as a young Diné woman, stand by Dook'o'osliid's side taking action to stop cultural genocide. I encourage all indigenous youth to stand against the desecration that is happening on the Holy San Francisco Peaks and all other sacred sites", said Garcia after being arrested and released.

A banner was hung on the side of the trench that read "Defend the Sacred!" where two protesters were locked together. Over the half mile of open construction, the group chanted, "Protect Sacred Sites, Defend Human Rights!", "No desecration for recreation!" "Stop the cultural genocide! Protect the Peaks!", and "Human health over corporate wealth".

"This waste water pipeline will poison the environment and to children who may eat snow made from it. Snowbowl plans to spray millions of gallons of waste water snow, which is filled with cancer causing and other harmful contaminants, as well as clear-cut over 30,000 trees. The Peaks are a pristine and beautiful place, a fragile ecosystem, and home to rare and endangered species of plants and animals," said Evan Hawbaker, one of the protesters who locked themselves to the excavator.

"The U.S. Department of Agriculture, the U.S. Forest Service, the City of Flagstaff Mayor and Council, and the Arizona Department of Environmental Quality are all responsible for permitting Snowbowl to endanger public health, destroy the environment, and desecrate the Holy Peaks," said Nadia del Callejo, one of the protesters who locked themselves in the trench. "Throughout history, acts of resistance and civil disobedience have been taken by young and old against injustices such as this. This action is not isolated but part of a continued resistance to human rights violations, to colonialism, to corporate greed, and destruction of Mother Earth," added Del Callejo.

A separate group of supporters, some wearing hazmat suits, "quarantined" the entrance to Snowbowl Road. Banners were stretched across the road that read "Protect Sacred Sites" and "Danger! Health Hazard – Snowbowl".

Shortly after initiating the action, a Snowbowl security guard spotted two people locked to an excavator. By 6:00 a.m. more than 15 armed agents, including the Coconino County Sheriff's Department, City of Flagstaff Police, & the FBI stormed the mountain. At approximately 7:30 a.m., the Flagstaff Fire Department, assisted by

County Sheriffs, started aggressively cutting two people from the excavator.

“We took every possible measure to ensure our safety. Our actions were taken to safeguard Indigenous Peoples’ cultural survival, our community’s health and this sensitive mountain ecosystem. Those who cut us out endangered our well being ignoring the screams to stop. They treated our bodies the way they’re treating this holy mountain. If they had their way, we wouldn’t even exist. There is more danger in doing nothing. To idly stand by and allow this destruction and desecration is to allow cultural genocide”, said the other young Dine’ woman who chose to lock down.

“The police’s use of excessive force was in complete disregard for my safety. They pulled at my arms and forced my body and head further into the machine, all the while using heavy duty power saws within inches of my hand,” said Evan Hawbaker.

After being cut out, the two were treated by paramedics and arrested for trespassing. The police, firefighters, and paramedics then proceeded to cut two people locked in a nearby trench. Extraction took about forty minutes and the two were immediately seen by paramedics after being unlocked. One of the individuals sustained injuries to their arm from abusive force. Both were charged with trespassing, with an added charge of “contributing to the delinquency of a minor”, for one of the individuals. Police proceeded to unlock the last group who was also inside the trench nearby.

“Our only offense was resistance; resistance of the implications that’s Snowbowl’s development exudes. The police’s defense was to implement tactics of fear to reach a goal, essentially to continue construction as soon as possible. Our safety was prioritized second to Snowbowl’s demands. I was one of the demonstrators in the trench, locked at the neck with a partner. I was not aggressive. My lock was sawed through, inches away from both of our heads, secured solely and recklessly by the hands of a deputy. During the process, we were repeatedly asked to chant to reaffirm our consciousness. The police’s response was hasty, taking about ten minutes in total—it was dehumanizing,” said Hailey Sherwood, one of the last protester to be cut out.

Both women were also seen by paramedics. One was sent to the hospital for heat exhaustion although she denied feeling dehydrated. She started to faint during the extraction when police, EMTs, and firefighters attempted to force the pair to stand and move them from their location. Both women repeatedly expressed that they were being hurt and choked by law enforcement officers and firefighters. Both of the protesters were arrested for trespassing, with additional charges to one of them for “contributing to the delinquency of a minor” and “endangerment”.

Four of the protesters were taken to County Jail. The two young people were taken to Coconino County Juvenile Detention Center.

FBI agents attempted to question four of those arrested. As word spread about the demonstration to protect the Peaks, overwhelming support and solidarity poured in from throughout the community and internationally.

Bail was raised shortly after the arrests. All demonstrators were released by 3:30 p.m. Three of the protesters, including Marlena Teresa Garcia, immediately filed a report for excessive use of force after being released.

“How can we be trespassers on our Holy Site?” questioned Barney. “I do not agree with these and the other charges, we will continue our resistance.”

**THIS ACTION IS NOT ISOLATED BUT PART OF A
CONTINUED RESISTANCE TO HUMAN RIGHTS
VIOLATIONS, TO COLONIALISM, TO CORPORATE
GREED, AND DESTRUCTION OF MOTHER EARTH,”
—NED DEL CALLEJO**

STATEMENT FROM 6 PROTESTERS ARRESTED FOR STOPPING SNOWBOWL PIPELINE

Today we take direct action to stop further desecration and destruction of the Holy San Francisco Peaks. We stand with our ancestors, with allies and with those who also choose to embrace diverse tactics to safeguard Indigenous People's cultural survival, our community's health, and this sensitive mountain ecosystem.

On May 25th 2011, sanctioned by the US Forest Service, owners of Arizona Snowbowl began further destruction and desecration of the Holy San Francisco Peaks. Snowbowl's hired work crews have laid over a mile and a half of the planned 14.8 mile wastewater pipeline. They have cut a six foot wide and six foot deep gash into the Holy Mountain.

Although a current legal battle is under appeal, Snowbowl owners have chosen to undermine judicial process by rushing to construct the pipeline. Not only do they disregard culture, environment, and our children's health, they have proven that they are criminals beyond reproach.

Four weeks of desecration has already occurred. Too much has already been taken. Today, tomorrow and for a healthy future, we say "enough!"

As we take action, we look to the East and see Bear Butte facing desecration, Mt. Taylor facing further uranium mining; to the South, Mt. Graham desecrated, South Mountain threatened, the US/Mexico border severing

Indigenous communities from sacred places; to the West, inspiring resistance at Sogorea Te, Moana Keya facing desecration; to the North, Mt. Tenabo, Grand Canyon, Black Mesa, and so many more... our homelands and our culture under assault.

We thought that the USDA, heads of the Forest Service, had meant it when they initiated nationwide listening sessions to protect sacred places. If the process was meaningful, we would not have to take action today.

More than 13 Indigenous Nations hold the Peaks Holy. The question has been asked yet we hear no response, "what part of sacred don't you understand?"

For hundreds of years resistance to colonialism, slavery, & destruction of Mother Earth has existed and continues here in what we now call Arizona.

The United States recently moved to join the United Nations Declaration on the Rights of Indigenous Peoples, evidently the US has not currently observed and acted upon this declaration, otherwise we would not be taking action today. This document informs our action, we also assert that UNDRIP supports the basis for our action.

Article 11, 1: Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature.

"Article 11, 2: States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs."

"Article 12, 1: Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains."

"Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relation-

ship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.”

For nearly 4 decades, resistance to desecration and destruction of the Peaks has been sustained. Prayer vigils, petitions, lobbying, protests, and many diverse tactics have been embraced. Historic court battles have been fought.

We continue today resisting Snowbowl’s plan to spray millions of gallons of wastewater snow, which is filled with cancer causing and other harmful contaminants, as well as clear-cut over 30,000 trees. The Peaks are a pristine and beautiful place, a fragile ecosystem, and home to rare and endangered species of plants and animals.

Our action is a prayer.

We invite those of you who could not join us today and who believe in the protection of culture, the environment and community health to resist destruction and desecration of the Peaks:

- Join us and others in physically stopping all Snowbowl development!
 - Honor and defend Indigenous Peoples’ inherent right to protect Sacred Places
 - Resist colonialism and capitalism! Embrace diverse tactics to end Snowbowl’s and all corporate greed
 - Demand USDA end Snowbowl’s Special Use Permit
 - Demand that the City of Flagstaff Mayor and Council find a way out of their contract to sell wastewater to Snowbowl
 - Demand that Arizona Department of Environmental Quality change its permission allowing wastewater to be used for snowmaking.
- Protect the Peaks! —





INDIGENOUS, COMMUNITY & SPIRITUAL LEADERS AFFIRM COMMITMENT TO PROTECT HOLY SAN FRANCISCO PEAKS

FLAGSTAFF, AZ — Local environmental justice organizations, Tribal representatives, and members of Flagstaff community held a media conference on Saturday, May 28 to address threats of Arizona Snowbowl's ski expansion development and current construction of wastewater pipeline for snowmaking.

On Tuesday May 25th, Snowbowl began construction of a wastewater pipeline on the holy San Francisco Peaks, located in Northern Arizona.

Standing at the base of the Holy San Francisco Peaks, Navajo Nation President Ben Shelly stated, "We've got to stop the construction." President Shelly affirmed his commitment to protecting the Peaks and urged for greater protection of all sacred sites, "We need to make a law... we need larger organizations to protect these mountains."

Kelvin Long, director of ECHOES stated, "We're going to protect our mountain, we're not going to allow snowmaking to happen."

Howard Shanker, attorney for the Save the Peaks Coalition and other plaintiffs stated, "Native American's don't have first amendment rights when it comes to federal land use decisions. For our federal government to be involved in the desecration of a sacred and holy site that is so important to so many people, for the economic benefit of so few is a tragedy. All people of conscience should be involved in this process, should be fighting this process and should step up and say wait a minute this isn't right."

"Snowbowl is proceeding at their own risk, when we prevail in court they're going to have to take the pipes out of the ground.

The federal government is doing everything it can to make sure snowbowl has a consistent ski season even

though they're attempting to use reclaimed sewer water, which scientifically is not proven safe." Shanker said.

The wastewater, which would be purchased through contract from the City of Flagstaff, has been proven by biologists to contain harmful contaminants such as pharmaceuticals and hormones. In their Environmental Impact Statement the Forest Service did not consider the impact of ingesting waste water in the form of artificial snow or from the storage pond by humans and animals.

This point is the basis of the Save the Peaks Coalition's current lawsuit which is currently appealing a District Court decision in favor of Snowbowl's proposed actions.

Thomas Walker, former Navajo Nation Tribal Council Delegate stated, "The Navajo Nation has historically been opposed to any kind of development on the San Francisco Peaks... this mountain is not to be desecrated."

Steve Darden of the Navajo Nation Human Rights Commission and former Flagstaff City Council member sent a message to the youth, "In our Hogans and sweat lodges we are offering our prayers, were relying on you young ones to step up."

Jihan Gearon of the Indigenous Environmental Network connected her organization's work to stop the Tar Sands in Canada to Snowbowl's wastewater pipeline, "The Tar Sands are the largest industrial project ever in the entire world... pipelines break and pipelines spill, I can pretty much guarantee that they are never safe. Not only us, but everyone if Flagstaff needs to be made aware of. The construction happening on the mountain now is a wake-up call."

Clayson Benally, a member of the Save the Peaks Coalition and plaintiff in the current suit against the Forest Service stated, "Our youth and our children will potentially be impacted by this snow. This is all for the profit of one business thats outside of city limits that doesn't pay into the tax base of Flagstaff. They put economic profit over our health, over our own community's health and well being, that goes too far."

"This is a pre-emptive strike from Snowbowl... when we win in court what are they going to do?" stated Benally.

Earlier in the day 40 people, including Winifred Bessie Jumbo the current Miss Navajo, gathered in prayer on the San Francisco Peaks. Before and during the prayers, more than a half-dozen armed law enforcement agents from Coconino County Sheriffs and the Forest Service monitored the gathering and patrolled the area.

For more than a dozen years Indigenous Nations, environmental activists, and concerned community members have worked together to protect the holy site and surrounding area from further ecological destruction, public health threats, and spiritual desecration.

Arizona Snowbowl's development plans include clear-cutting 74 acres of rare alpine habitat that is home to threatened species, making new runs and lifts, adding more parking lots and building a 14.8 mile buried pipeline to transport up to 180 million gallons (per season) of wastewater to make artificial snow on 205 acres.

The Peaks are central to the ways of life of more than 13 Indigenous Nations.

**THEY PUT ECONOMIC PROFIT
OVER OUR HEALTH, OVER
OUR OWN COMMUNITY'S
HEALTH AND WELL BEING,
THAT GOES TOO FAR.**
—CLAYSON BENALLY

SKI AREA PIPELINE CONSTRUCTION THREATENS HOLY SAN FRANCISCO PEAKS



BY KLEE BENALLY – INDIGENOUSACTION.ORG

Flagstaff, AZ — Owners of Arizona Snowbowl ski area have begun moving pipeline and construction equipment to the base of the holy San Francisco Peaks, located in Northern Arizona. The Peaks are central to the ways of life of more than 13 Indigenous Nations.

Snowbowl owner Eric Borowski plans on starting the development today.

Although currently challenged by a legal appeal in the 9th Circuit Court, the US Department of Agriculture (USDA) has permitted the ski area to begin development.

The Coconino National Forest, headed by the USDA, manages the Peaks as public lands. Snowbowl has operated under a special use permit since the 1980's, which was initially challenged by Indigenous Nations and environmentalists all the way up to the Supreme Court.



According to the Forest Service, “Construction is anticipated to begin this month along a segment of Snowbowl Road. . . Snowbowl Road will remain open; however, delays and temporary closures will occur throughout the duration of construction, approximately five months.”

The Forest Service also stated that Snowbowl Road will be closed each day from 8 p.m. to 6 a.m.

For more than a dozen years Indigenous Nations, environmental activists, and concerned community members have worked together to protect the holy site and surrounding area

from further ecological destruction, public health threats, and spiritual desecration.

Snowbowl's development plans include clear-cutting 74 acres of rare alpine habitat that is home to threatened species, making new runs and lifts, adding more parking lots and building a 14.8 mile buried pipeline to transport up to 180 million gallons (per season) of wastewater to make artificial snow on 205 acres.

The wastewater, which would be purchased from the City of Flagstaff, has been proven by biologists to contain harmful contaminants such as pharmaceuticals and hormones. In their Environmental Impact Statement the Forest Service did not consider the impact of ingesting waste water in the form of artificial snow or from the storage pond by humans and animals.

This point is the basis of the Save the Peaks Coalition's current lawsuit which is currently appealing a District Court decision in favor of Snowbowl's proposed actions.

On April 1, 2011 the Ninth Circuit Court of Appeals denied an emergency motion by the Save the Peaks Coalition to stop Snowbowl ski area and the U.S. Department of Agriculture from cutting down approximately 30,000 trees.

In 2002, the Arizona Department of Environmental Quality, with no real public process, quietly decided to allow wastewater to be used for snowmaking purposes. Later that same year the Flagstaff Mayor and City Council signed a contract to allow the sale of sewage effluent for snowmaking on the holy mountain. The contract has since been renewed administratively, behind closed doors without any public input.

Snowbowl would be the only ski area in the world to use 100% wastewater for snowmaking purposes.

In 2010 Flagstaff City Manager Kevin Burke revealed a plan, secretly negotiated with the USDA, for use of Flagstaff's drinking water instead of the sewage effluent. Snowbowl was offered 11 million tax payer's dollars to subsidize the increased costs of using potable water. Stating that the US government believed drinking water snowmaking to be "less offensive" to Indigenous Nations, the plan was pushed without the consent of or any consultation with Indigenous Nations.

Facing overwhelming community and Tribal opposition, City of Flagstaff officials ultimately rejected the plan.

Following the failed attempt to use drinking water the USDA, while still aggressively battling the Save the Peaks Coalition in court, began listening sessions to hear Indigenous Peoples concerns on the protection of sacred places. Ironically, the sessions were initiated in part due to the Peaks controversy.

The USDA is expected to issue a report for policy changes sometime this year.

In response to threat of development, more than 150 people rallied outside of Flagstaff City Hall and held a march for protection of the holy San Francisco Peaks on April 16th.



FOR MORE THAN A DOZEN YEARS INDIGENOUS NATIONS, ENVIRONMENTAL ACTIVISTS, AND CONCERNED COMMUNITY MEMBERS HAVE WORKED TOGETHER TO PROTECT THE HOLY SITE AND SURROUNDING AREA FROM FURTHER ECOLOGICAL DESTRUCTION, PUBLIC HEALTH THREATS, AND SPIRITUAL DESECRATION

COURT DENIES INJUNCTION TO HALT SNOWBOWL DEVELOPMENT

FLAGSTAFF, AZ— Mar. 31, 2011 The Ninth Circuit Court of Appeals today denied an emergency motion to stop Snowbowl ski area and the U.S. Department of Agriculture from cutting down thousands of trees on the San Francisco Peaks, outside of Flagstaff, Arizona.

The Save the Peaks Coalition and other plaintiffs filed an appeal to the Ninth Circuit and sought an emergency injunction that would stop all tree cutting and construction in furtherance of snowmaking pending the outcome of the appeal.

Judge Murguia, at the District Court level, previously denied the Coalition any injunction pending appeal.

“The ski resort can start their destruction tomorrow and there isn't a legal recourse that can be taken.” stated Jeneda Benally, a plaintiff in the case. “The legal system has failed to protect citizens and the delicate ecosystem of the San Francisco Peaks and instead compromised it's ethics by protecting a single for profit business that has blatant disregard for our children's health.”

According to Howard Shanker, the attorney for the Save the Peaks Coalition and other plaintiffs, “We are gravely disappointed in the decision not to grant an injunction but will vigorously pursue our appeal in any event.” According to Shanker, “we remain hopeful that, at some point, the courts will properly apply the law to the facts of this case.” Shanker previously represented a number of the Tribes and environmental organizations in the first round of litigation opposing snowmaking with reclaimed sewer water.

The Justice Department under the Obama Administration continues to vigorously fight to cut down trees and to spray reclaimed sewer water to make snow on the San Francisco Peaks while the Administration has held ‘listening sessions’ on sacred sites protection, including the San Francisco Peaks, across the country.

Snowbowl threatens to clear-cut approximately 28,994 trees from 76.3 acres for construction of water impoundments, buildings, and trails. They would also begin cutting down 167 trees along the 14.8 mile snowmaking transmission line and approximately 800 trees in approximately 47.4 acres within the Agassiz and sunset trail areas.

In 2006, the Snowbowl Ski area, which operates under a permit on federal land, was granted permission by the U.S. Forest Service, part of the Department of Agriculture, to make snow using 100% reclaimed sewer water. Something that is not done anywhere else in the world. The project would use sewer water treated to Arizona A+ standards – A+ water in Arizona is known to contain endocrine disruptors, which block or mimic normal hormone activity. It also contains a host of personal care products and pharmaceuticals, including things like steroids, antibiotics, and caffeine, which are neither tested for, nor adequately removed from the water during the treatment process.

The San Francisco Peaks, including the area used by Snowbowl, are sacred to 13 of the Native American Tribes in the southwestern United States.

In 2006, the Navajo Nation, the Hopi Tribe, the Yavapai-Apache Nation, the White Mountain Apache Tribe, the Havasupai Tribe and the Hualapai Tribe filed suit to stop the project which, they asserted, amounted to federally approved and sanctioned desecration of one of the best documented Native American sacred sites on record. The tribes were joined by a number of individuals and organizations, including the Sierra Club and the

Center for Biological Diversity. After a unanimous ruling by a three judge panel of the Ninth Circuit Court of Appeals in favor of the tribes and environmental groups, the Ninth Circuit, however, agreed to re-hear the case en banc – something they only do about one or two percent of the time. In an eight to three decision, the en banc panel reversed the prior panel decision and allowed Snowbowl and the Forest Service to go forward with the planned desecration of the area.

Shortly thereafter, a group of concerned citizens from the Flagstaff area, including the Save the Peaks Coalition, filed suit under the National Environmental Protection Act (NEPA) challenging the Forest Service's review of the impacts associated with the potential ingestion of snow made from reclaimed sewer water. The prior three-judge panel of the Ninth Circuit unanimously found that the Forest Service failed to adequately consider such impacts. The en banc panel, however, vacated that decision without addressing the merits of the claim. On review of the issue in the current litigation, District Court Judge Mary Murguia found, contrary to the prior Ninth circuit ruling, that the Forest Service review was adequate and that the case should not be allowed to go forward.

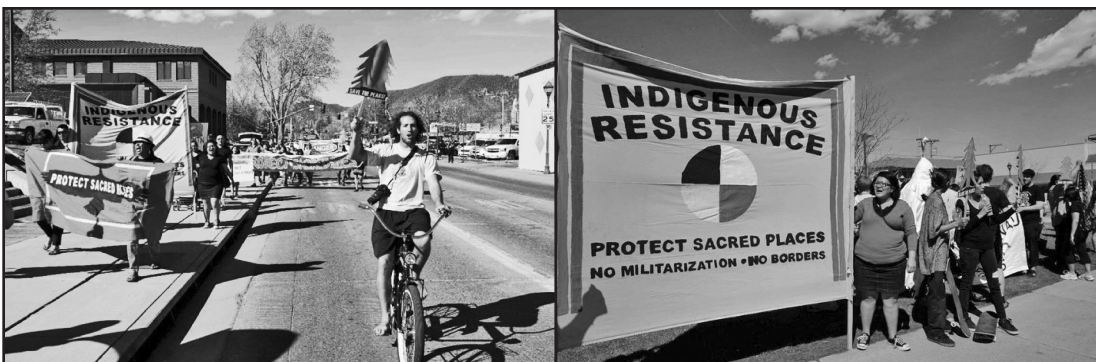
Initial approvals for the controversial project were made under the administration of George W. Bush. It was initially the Bush Justice Department and Department of Agriculture that vigorously fought to spray potentially unsafe reclaimed sewer water onto the sacred site. The Obama Administration, which has made a public show of respecting tribal sovereignty and sacred sites, was however, quick to pick up the mantle. Judge Murguia was nominated by Obama to go to the Ninth Circuit. Shortly after ruling against the Save the Peaks Coalition, her appointment was confirmed.

It appears that the prior three-judge panel consisted of Democratically appointed judges. The en banc panel appears to have split in its eight to three decision largely on political party lines. With the three dissenting judges having been appointed by Democratic Presidents. In any event, the Administration continues to expend resources and time fighting to disrupt a unique and sensitive ecosystem, which also happens to be sacred land to Native Americans. All to provide Snowbowl, a private, for profit company that operates on federal land, a consistent and reliable operating season.

"THIS CASE WAS FILED BECAUSE WE INSIST THAT OUR CHILDREN NOT BE USED AS GUINEA PIGS FOR THE PROFIT OF A SINGLE PRIVATE BUSINESS OPERATING ON OUR PUBLIC LANDS,"

"THE FOREST SERVICE ALREADY HAS ADMITTED THAT THERE WAS NO CONSIDERATION OF THE IMPACTS IF CHILDREN CONSUMED WASTEWATER SNOW THAT THEY ACKNOWLEDGE CONTAINS UNTREATED CONTAMINANTS."

—JENEDA BENALLY



WHAT IF I EAT THE SEWER WATER SNOW?

This is an excerpt from a July 2010 news release:

...According to Howard Shanker, attorney for the Save the Peaks Coalition and the other plaintiffs, "The Forest Service failed to adequately consider the impacts of potential human ingestion of snow made from reclaimed sewer water as required by applicable law. Our government should not be approving such projects without some sort of understanding of the anticipated impacts. By approving treated sewage effluent for snow making without adequate analysis, the government essentially turns the ski area into a test facility with our children as the laboratory rats. That is unconscionable." Mr. Shanker, a former congressional candidate in Arizona Congressional District 1, represented a number of tribes and environmental organizations in prior litigation over Snowbowl's proposed expansion and threatened use of treated sewage effluent.

Arizona Department of Environmental Quality regulations allow A+ class treated sewer water to contain fecal matter in three out of seven daily samples (R18-11-303 2a). Moreover, studies done by Dr. Catherine Proper, Professor of Biological Sciences at Northern Arizona University, on this same treated sewer water have concluded the waste water contains pharmaceuticals, hormones, endocrine disruptors, industrial pollutants like pesticides and herbicides, and narcotics. David Norris, PhD, an integrative physiology professor at the University of Colorado at Boulder, found that pharmaceutical ethinylestradiol made it through the Boulder, Colo. Wastewater Treatment Plant and into Boulder Creek and reported that native male fish in Boulder Creek decreased in numbers with respect to females and numerous intersex fish were found downstream of the wastewater treatment plant. He states, "the fish are a wake-up call, our bodies and those of the much more sensitive human fetus are being exposed everyday to a variety of chemicals that are capable of altering not only our development and physiology but that of future generations as well."

Additionally, according to biologist Dr. Paul Torrence the treated sewage effluent may also contain antibiotics, such as triclosan and triclocarban which can break down into bio-accumulating cancerous dioxins when exposed to the high altitude sunlight of the peaks. There have also been documented cases of treated sewage released into the Colorado river that have caused numerous outbreaks of norovirus among Grand Canyon rafters. Plaintiffs involved in this ongoing lawsuit have consistently insisted that the USFS take a hard look at what might happen to the people when they come in contact with or ingest snow made from treated sewage effluent. Under the National Environmental Policy Act, the USFS is obligated to consider these types of potential impacts on the quality of the human environment. In 2007 a three-judge panel of the Ninth Circuit Court found that the USFS failed to adequately consider the possibility of human ingestion of snow made from treated sewage effluent. In Judge William Fletcher's opinion, he concludes "the FEIS does not contain a reasonably thorough discussion of the risks posed by possible human ingestion of artificial snow made from treated sewage effluent, and does not articulate why such discussion is unnecessary." The holding of the three-judge panel was later overturned on a technicality by an en banc panel of the Ninth Circuit.

Despite these public health threats and widespread public opposition to ASR's proposed development, the City of Flagstaff maintains a contract to sell up to 180 million gallons of treated sewage to ARS. Arizona Senators John McCain and Jon Kyl have also attempted to pressure the USFS to move the plans forward. McCain even threatened to roadblock Obama appointees to the Department of Agriculture if ASR was not allowed to begin construction for snowmaking with reclaimed sewer water immediately.

If you would like to learn more about the history of this issue please visit SaveThePeaks.org.

FLAGSTAFF CITY COUNCIL VOTES NO DRINKING WATER FOR SNOWMAKING

SEPTEMBER 3RD, 2010

FLAGSTAFF CITY COUNCIL VOTES NO DRINKING WATER FOR SNOWMAKING

CITIZENS AND ENVIRONMENTAL GROUPS GAIN VICTORY FOR WISE WATER USE

Flagstaff, AZ – After 4 hours of meeting Flagstaff City Council voted 5-2 to not amend a proposed substitute agreement to sell 180 million gallons of Flagstaff's drinking water to Arizona Snowbowl for snowmaking on the Holy San Francisco Peaks.

More than 150 concerned community members attended including Tribal representatives from Hopi, Navajo and Havasupai Nations.

"I am grateful that wise water use in Flagstaff won today although we still have many challenges ahead of us," said Russell Crawford, Graduate Student in Sustainable Communities at Northern Arizona University. "It's clear that this private business' attempt to use our precious drinking water for recreation was a horrible idea. We must continue to work for respectful, sane and sustainable solutions for our entire community, and that means our whole region. This has to be done for our children and all generations to come."

According to the Arizona Daily Sun the city of Flagstaff uses half the groundwater in central northern Arizona. Snowbowl would have taken about 5 percent of all the potable water the city used. According to City staff, Flagstaff is expected to run out of drinking water by the year 2050.

On Monday, August 30th at Sinagua Middle School more than 700 community members and neighboring Tribal representatives met for 7 hours for spoken public input and presentations by Snowbowl, Flagstaff City staff and other interests. No spoken public input was taken on Thursday except as requested by City Council.

Questions were raised by councilmembers after a USDA representative could not answer questions involving Tribal consultation and how the proposed amendment to use drinking water instead of wastewater came about. There seemed to be confusion whether the proposal originated from the USDA or City staff. Although it was stated by the USDA that the idea originated from City staff, City manager Kevin Burke tried to defer it to the USDA.

The deal was initially presented as a "less offensive" option for Tribes who hold the San Francisco Peaks holy, but overwhelmingly the Tribes opposed the plan.

The government also offered \$11 million taxpayers dollars to offset paying for the higher costing drinking water in a move criticized as a corporate bailout. When pressed, the USDA stated that the funds weren't guaranteed but could be taken from "various sources."

"This was a failed attempt by City Manger Kevin Burke, Arizona Snowbowl & the USDA to undermine the current lawsuit over National Environmental Policy Act (NEPA) and sidestep the health threats if humans ingest snow made from treated sewage effluent." Said Klee Benally, Flagstaff resident & media liaison for Truesnow.org. "Kevin Burke & the USDA initially tried to railroad this plan through but the community caught them and ultimately it was community pressure that stopped them."

With a successful NEPA lawsuit, the current City Contract to sell wastewater for snowmaking could be rescinded.

A majority of the council stated that they were interested in how the NEPA lawsuit would end.

The suit asserts, among other things, that the Final Environmental Impact Statement (FEIS) prepared by the USFS ignores the possibility of human ingestion of snow made from treated sewage effluent. Snowbowl would be the only ski area in the world to use 100% wastewater to make snow.

"The City Council has done a great service for our present and future citizens by not selling our drinking water and allowing for the NEPA case to be heard." Said, Moran Henn an environmental scientist & Flagstaff resident. "Everyday there is new evidence of the toxicity of wastewater."

Citing the City's practice of "co-mingling" or injecting wastewater directly into water sources where drinking water is pumped from, Mayor Presler stated she saw no difference in using treated sewage effluent or drinking water for snowmaking.

"Flagstaff's citizens should be very concerned," said Avi Henn, environmental scientist and Flagstaff resident, "If we listen to City staff and seriously consider their projections of future water shortages by 2027 we would have to cancel the snowmaking contract because we'll need every drop of water to drink. Or, as scientists like Dr. Cathy Propper have proven, we'll desperately need to find another source of water because ours is already contaminated with hormones, pharmaceuticals, and other known 'endocrine disruptors' that the City admits they don't test for or treat for. However you look at it we need find a way out of this contract, it's a bad deal for Flagstaff."

"The City Council decision is a step in the right direction as far as recognizing the needs of the neighboring Tribes which contribute greatly to the Flagstaff economy." Said Howard Shanker, attorney for the Save the Peaks Coalition and other plaintiffs. "It also acknowledges the comments of reasonable people concerned with the wise allocation of a scarce resource."

Councilmember Al White motioned to amend the agreement to allow potable water to be used for 5 years followed by use of reclaimed water for 15 more years and put it through Flagstaff's water, tourism, and sustainability commissions and public comment plus legal vetting before Council process. The motion was voted down 4-3.

Presler re-motioned to amend the agreement to allow potable water to be used for 5 years and then switch to reclaimed water without bringing it before the commissions and public. That motion failed 4-3.

Councilmember Celia Bartoz' original motion to vote for keeping with current agreement was seconded by Coral Evans. Upon re-consideration, after the modifying motions were voted down, the vote was 5-2 in favor.

Ultimately water conservation issues outweighed cultural and economic concerns. The council took no consideration of the Tribe's position on no snowmaking or other possible solutions.

"We are against any artificial snowmaking. Let mother earth handle snowmaking, not man made snow" stated Havasupai Tribal Council Member, Carletta Tilousi. "They asked us to be here, they wrote to us and invited us to be part of the process so we voiced our opinions regarding the sacredness of the Peaks. It was offensive to hear Council members state that they will not listen to neighboring Tribes." Tilousi said.

"At the end of the day I answer to people who vote in my community." Stated, Councilmember Art Babbott. He stated "We will make very bad policies here if we allow entities outside our jurisdiction to dictate what we do." Expressing concern that the C-Aquifer is diminishing Councilmember Babbott stated, "This will allow very unwise water decisions by our users."

Councilmember Karla Brewster argued economics in her support for snowmaking but also stated the, "20 year contract to sell potable water was too much."

Councilmember Coral Evans raised a concern that she felt there was, "No possible win-win situation." Evans also stated that she was, "Concerned about the cost of water being raised in Flagstaff." And that "we're going to harm future generations."

For Councilmember Al White the issues was about, "Environmental sanity, reclaimed over potable water." And stated that the, "Issue is not whether you're pro-business or pro-environment, its about sound water use policy." He also stated, "Let the lawsuit go on. It's going to deal with the issues of use of reclaimed water. It isn't our role to call a lawsuit frivolous."

Nearly every Councilmember voiced their concerns over Mayor Presler's initial proposal to add discussion of suspending the current existing contract to the agenda.

Some Councilmembers spoke of the dangers of reclaimed water. Art Babbott stated that reclaimed water could contaminate another water source, and this could be a potential violation of the Crown Water Management Act.

"We need to evolve as a human species to survive in this changing environment." Said Hertha Woody, parent, educator, Flagstaff citizen and member of the Navajo Nation, "We should not waste any water in a warming environment." Woody also observed racially based comments from Councilmembers that made her question, "Does this council think that Native Americans don't exist within City limits?"

"I'm happy that we got this far and they didn't approve selling our drinking water." Stated Teresa Garcia, 15, student of Coconino High School. "If they would have approved this plan, we would be getting the worse end of this deal in 20 years."

How they voted:

No drinking water for snowmaking:

Councilmember Evans

Councilmember Overton

Councilmember White

Councilmember Babbot

Councilmember Barotz

For drinking water snowmaking:

Mayor Presler

Councilmember Brewster

For more information & background please visit: www.truesnow.org.

**“WE ARE AGAINST ANY ARTIFICIAL SNOWMAKING.
LET MOTHER EARTH HANDLE SNOWMAKING, NOT
MAN MADE SNOW” —HAVASUPAI TRIBAL COUNCIL MEMBER, CARLETTA TILOUSI.**

DISTRICT COURT RULES FOR USFS IN SAVE THE PEAKS

PLAINTIFFS WILL APPEAL THE COURT'S DECISION TO THE NINTH CIRCUIT COURT

FROM TRUESNOW.ORG

Wednesday December 1, 2010

FLAGSTAFF, AZ -- The case known as The Save the Peaks Coalition, et al. v. U.S. Forest Service (USFS) was heard before Honorable Judge Mary H. Murguia and today a decision was made.

The Court ruled against the plaintiffs claims that the final FEIS prepared by the USFS ignores thorough consideration of a number of critical health issues. The plaintiffs contend that a new and thorough FEIS should be filed by the USFS. If this reveals that the use of reclaimed sewage water is a public health risk then snowmaking should not be permitted for the Arizona Snowbowl on the San Francisco Peaks.

Howard Shanker, representing the Save the Peaks Coalition and additional plaintiffs, will file an appeal to the Ninth Circuit Court. According to Shanker, "the decision misstates the facts of this case and misapplies the law. That's why there is an appeal process." Further, according to Shanker, "it is remarkable that the Obama Administration is complicitous in this effort to put treated sewer water on the San Francisco Peaks. Not only is the site sacred to Native Americans in the Southwestern United States, the Forest Service has, at best, no idea what the long term health impacts will be on people who ingest this snow made from treated effluent. Who figured the Snowbowl ski area was 'too big to fail'".

Judge Mary Murguia ruled that plaintiffs were barred from bringing this action by the doctrine of laches largely because of the "near completion of the project". "This is remarkable in light of the fact that there was a stipulation in place until yesterday barring any ground clearing activities in furtherance of snowmaking and no final approvals were provided by the government until recently – none of which have been implemented on the ground. That is the project is not "near completion" but rather has not even begun." stated Shanker.

Judge Murguia also ruled that the Forest Service adequately considered that people would ingest snow made from reclaimed sewer water in the EIS. "Notwithstanding that the only other court to rule on this issue substantively was the three judge panel of the Ninth Circuit, which found that the Forest Service failed to comply with NEPA and the fact that the EIS does not contain a discussion of the impacts." stated Shanker.

The suit asserts, among other things, that the FEIS ignores the possibility of human ingestion of snow made from treated sewage effluent. Snowbowl would be the only ski area in the world to use 100% wastewater to make snow. They would use 1.5 million gallons per day, storing and spraying this wastewater on a mountain that is holy to more than 13 Indigenous Nations.

"This case was filed because we insist that our children not be used as guinea pigs for the profit of a single private business operating on our public lands," stated Jeneda Benally, a complainant in the lawsuit. "The Forest Service already has admitted that there was no consideration of the impacts if children consumed wastewater snow that they acknowledge contains untreated contaminants."

Arizona Department of Environmental Quality regulations allow A+ class treated sewer water to contain fecal matter in three out of seven daily samples (R18-11-303 2a). Moreover, studies done by Dr. Catherine Propper, Professor of Biological Sciences at Northern Arizona University, on this same treated sewer water have concluded the waste water contains pharmaceuticals, hormones, endocrine disruptors, industrial pollutants such as pesticides and herbicides, and narcotics. David Norris, PhD, an integrative physiology professor at the University of Colorado at Boulder, found that pharmaceutical ethinylestradiol (an orally active semisynthetic ste-

roidal estrogen) made it through the Boulder Wastewater Treatment Plant and into Boulder Creek. He reported that the percentage of native male fish in Boulder Creek decreased and that numerous intersex fish were found downstream of the wastewater treatment plant. He stated "the fish are a wake-up call; our bodies and those of the much more sensitive human fetus are being exposed everyday to a variety of chemicals that are capable of altering not only our development and physiology but that of future generations as well."

In addition, according to biologist Dr. Paul Torrence, the treated sewage effluent may also contain antibiotics such as triclosan and triclocarban which break down into bio-accumulating cancerous dioxins when exposed to high altitude sunlight. Plaintiffs involved in this ongoing lawsuit have consistently insisted that the USFS take a hard look at what might happen to the people when they come in contact with or ingest snow made from treated sewage effluent. Under the National Environmental Policy Act, the USFS is obligated to consider these types of potential impacts on the quality of the human environment.

In 2007, a three-judge panel of the Ninth Circuit Court found that the USFS failed to adequately consider the possibility of human ingestion of snow made from treated sewage effluent. In Judge William Fletcher's opinion, he concludes that "the FEIS does not contain a reasonably thorough discussion of the risks posed by possible human ingestion of artificial snow made from treated sewage effluent, and does not articulate why such discussion is unnecessary." While the decision of the three-judge panel was later overturned on a technicality by an en banc panel of the Ninth Circuit, issues surrounding the completeness of the FEIS were left unresolved.



SNOWBOWL QUARRANTINED

SNOWBOWL QUARRANTINED

FROM TRUESNOW.ORG

Flagstaff, AZ —At 2:30 PM, Dec 2, one day after a US District Court judge ruled against the Save The Peaks Coalition, more than a dozen people took action and "quarantined" a lodge at Arizona Snowbowl ski area.

The Arizona Snowbowl ski area, located on the Holy San Francisco Peaks, has been threatening expansion and snowmaking with treated sewage effluent since 2002.

Carrying banners that read "Danger: Snowbowl, Public Health Hazard" and dressed in hazmat suits, some of the protestors attempted to enter Snowbowl lodge where a job fair was being held. Snowbowl employees blocked the group and attempted to make them leave the public area. Becoming physically aggressive Snowbowl general manager JR Murray then pushed one of the protesters and wrestled a banner pole from their hands. After the altercation the demonstrators then moved to a lower parking lot and continued their protest while Snowbowl employees surveilled them.

The demonstrators drove down the mountain in two separate cars. Six law enforcement vehicles swarmed and prevented them from leaving. The occupants were detained, interrogated and threatened with arrest, all while pictures and video were taken by County sheriffs, Forest Service and other Federal agents whom refused to identify themselves. When asked what the allegations were, the cops said, "trespassing and littering." After being detained for more than 30 minutes, the demonstrators were released without being charged or cited.

"How can Snowbowl say that we're littering when they are attempting to dump 180 million gallons of contaminated sewage per year and expand their development by clear cutting over 100 acres of old growth trees?", said Ned del Callejo. "While Snowbowl is threatening public health they are calling law enforcement on those who are trying to protect it. The alleged 'litter' were two signs that were accidentally left, which I told the agents I was more than willing to go and retrieve. To which there was no response."

"To say that we are trespassing is to attempt to dislocate us from our sacred site, which is cultural genocide," stated Keemara Bahe, 16. "We were here long before these laws and will be here long after. We must continue our prayers and our action to defend that which is sacred. Our ways of life depend on it."

This protest continues the diverse and creative resistance to Snowbowl's proposed development following suit of previous actions taken at job fairs, opening day protests, prayer vigils and marches.

"As long as Snowbowl desecrates this holy site people will continue to resist", said A. Yazzie.

"IT'S CLEAR THAT THIS PRIVATE BUSINESS' ATTEMPT TO USE OUR PRECIOUS DRINKING WATER FOR RECREATION WAS A HORRIBLE IDEA. WE MUST CONTINUE TO WORK FOR RESPECTFUL, SANE AND SUSTAINABLE SOLUTIONS FOR OUR ENTIRE COMMUNITY, AND THAT MEANS OUR WHOLE REGION. THIS HAS TO BE DONE FOR OUR CHILDREN AND ALL GENERATIONS TO COME." —RUSSELL CRAWFORD



How can SNOWBOWL SAY THAT WE'RE LITTERING WHEN THEY ARE ATTEMPTING TO DUMP 180 MILLION GALLONS OF CONTAMINATED SEWAGE PER YEAR AND EXPAND THEIR DEVELOPMENT BY CLEAR CUTTING OVER 100 ACRES OF OLD GROWTH TREES?

—NED DEL CALLEJO

AS LONG AS SNOWBOWL DESECRATES THIS HOLY SITE PEOPLE WILL CONTINUE TO RESIST —A. YAZZIE