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News Release, January 6, 2003

Sierra Club and Center for Biological Diversity Win Grand Canyon Protection: Developer's Appeal on Canyon Forest Village Dismissed

(Phoenix) On December 27, 2002, the Ninth Circuit Court of Appeals dismissed the Canyon Forest Village developers' appeal and allowed the lower court decision to stand thereby helping protect the Grand Canyon area from further development. The developers had appealed this decision that effectively stopped Canyon Forest Village, a major shopping and hotel development proposed next to Grand Canyon National Park.

"This is a huge victory for everyone who is working to protect this important national treasure -- Grand Canyon National Park," said Don Steuter, Conservation Chair for the Sierra Club's Grand Canyon Chapter. "Our concern continues to be the potential threat of this proposed development to the national park, especially the vital water sources in the Canyon."

The lower court had ruled that U.S. Forest Service was "clearly erroneous" in approving a land trade for Canyon Forest Village and ruled in favor of the Sierra Club and Center for Biological Diversity on almost every count challenging Forest Service approval of this massive development in Tusayan, near the popular south entrance to the park.

Canyon Forest Village developers had sought 272 acres of national forest land next to the entrance to Grand Canyon National Park in exchange for about 2000 acres of private land in scattered parcels throughout the forest in the area. The land trade would have allowed the developers to build the largest shopping center in northern Arizona along with a 1200 room hotel and entertainment complex.

"The appellate court decision is significant because it allows the lower court decision to stand and for now protects the Canyon environment from the intrusions of this poorly considered commercial development," said Howard Shanker of Hagens Berman, counsel for the Sierra Club and Center for Biological Diversity in this case.

The Sierra Club and the Center for Biological Diversity challenged the project because it would attract more people to an already crowded Grand Canyon National Park and threaten the existence of seeps and springs within the park by pumping groundwater. Assurances from the developer that Canyon Forest Village would not use much groundwater were never finalized in writing and not available for public review when the Forest Service approved the land trade for the project in 2001.

The lower Court also stated that the Forest Service violated the National Environmental Policy Act (NEPA) -- a law that requires federal agencies to fully examine the environmental impact of their decisions and that allows the public to review those decisions. The Court ruled the Forest Service failed to analyze the full impact of Canyon Forest Village and did not examine alternatives to trading national forest land for this development. These other alternatives include purchasing land inholdings through the Land and Water Conservation Fund, considering a modified land exchange alternative on a smaller scale, and considering any alternative that relied on the use of special use permits.

In addition, to the court rulings, residents of Coconino County denied a re-zoning request for the proposed development when it was referred to ballot.

"We hope the Forest Service will go back and look at non-development options to protect the Grand Canyon and the surrounding area -- including simply buying any needed land through the Land and Water Conservation Fund -- and that they will include the public fully in any decisions," said Sandy Bahr, Conservation Outreach Director, Sierra Club, Grand Canyon Chapter.

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