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Native Americans and environmentalists fight to preserve San Francisco Peaks

by Christina Aanestad

Thursday Sep 14th, 2006 3:46 PM

A legal battle between Native Americans and a ski resort in Arizona has culminated at the 9th Circuit Court of Appeal in San Francisco today. Arizona Snowbowl Ski Resort has plans to use reclaimed waste water to make artificial snow on the San Francisco Peaks, an area that is sacred to Native American tribes.

audio: [9-14aanestadonpeaks.mp3](#)
[MP3 at 1.6 mebibytes](#)

The San Francisco Peaks are sacred to over 13 Native American tribes of the South Western United States. Robert Toshue is with the Sierra Club and the Dine' or Navajo Nation, one of the tribes who hold the peaks as holy land.

“There are numerous shrines, there are herbs that are used in traditional ceremonies for prayer, for healing. The mountain is considered to reside with holy people that are intermediaries between the Earth surface people and our belief system with the Creator. If they used reclaimed water and they continue to expand the operations up there with reclaimed water then there is a disconnect it devalues our traditional practices.”

The proposed development plans by the Arizona Snowbowl Ski Resort would clear-cut over 100 acres of forest and place 1.5 million gallons of reclaimed waste water on the San Francisco Peaks daily to make artificial snow, making the Arizona Snowbowl the first ski resort in the country to use reclaimed waste water as snow. A consortium of 13 Native American tribes and environmental groups have raised concerns about the spiritual integrity and environmental safety of using reclaimed waste water on the pristine area. But David Smith spokesman for the Snowbowl says the water is purer than rainwater.

“Reclaimed water may come from rainwater, it may come from showers, sinks, toilets, it may come from a variety of places. It's safer than what comes out of the sky. In the South West there are so many coal fired power plants that the smog heads this way and pollutes our skies here in Arizona. When it rains and snows all those particles get forced to the ground. The water is much dirtier falling out of the sky than what the reclaimed water produces.

The US Forest Service agrees and so do the Arizona courts. But according to environmental groups, reclaimed waste water is known to contain cancer-causing agents and pharmaceutical chemicals. That's why over 13 Native American tribes and environmental groups are fighting the proposed development in the 9th Circuit of Appeal. Howard Shanker one of the representing attorney's for over 5 Native American tribes and environmental groups says the lower courts decision does not follow the Religious Freedom Restoration Act and overlooks current environmental polices under the National Environmental Policy Act.

“Making snow especially with reclaimed sewer water, which is what they're proposing to do is a substantial burden on the ability of the tribes to practice their respective religions. We're also asserting that they failed to disclose and discuss our expert reports, that they failed to analyze the impacts of withdrawing 1.5 million gallons a day of reclaimed waste water that is used to charge one of the aquifers

and that they failed to adequately analyze of the impacts eating snow made with this stuff might have on children.”

Oral arguments were heard before a three panel judge. Parties expect a ruling within the next couple months. Native American rights organizers and environmentalists say they will appeal and continue to fight the battle if the case is not won.

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