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# Navajo battle ski resort over sacred mountain

## Judge denies claim that wastewater for snowmaking is desecration

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USFS

Native Americans and environmental groups are battling a ski resort's proposal to use treated wastewater for snowmaking.

MSNBC staff and news service reports  
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PHOENIX - The Navajo tribe and activist groups were preparing to file an appeal next week after a federal judge allowed an Arizona ski resort to make artificial snow using reclaimed wastewater on a mountain sacred to several Native American tribes.

“With this decision, a mountain sacred not only to the Navajo Nation, but to many other tribes in Arizona as well, will continue to be desecrated,” The Navajo Nation Council said in a statement. “The sanctity of our cultural and spiritual relevance has been violated. The U.S. District Court has now seemingly underscored this without hesitation.”

The Arizona Snowbowl ski resort, located about 150 miles north of Phoenix, plans to expand and says the artificial snow is crucial to its economic survival.

A decision late Wednesday by U.S. District Court Judge Paul Rosenblatt would allow a \$25 million upgrade to begin at the Snowbowl in the San Francisco Peaks. The 777-acre facility is on federal forest land.

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In the statement, the Navajo Nation pledged to "do whatever it takes" to overturn the ruling.

"This decision further eviscerates the rights of Native Americans to protect sacred lands that are essential to their belief systems," said Howard Shanker, an attorney representing the Navajo Nation, two other tribes and three activist groups in the case.

"This is a direct affront to traditional Native beliefs and one more nail in the coffin of all the tribes throughout the country (and their) ability to survive intact."

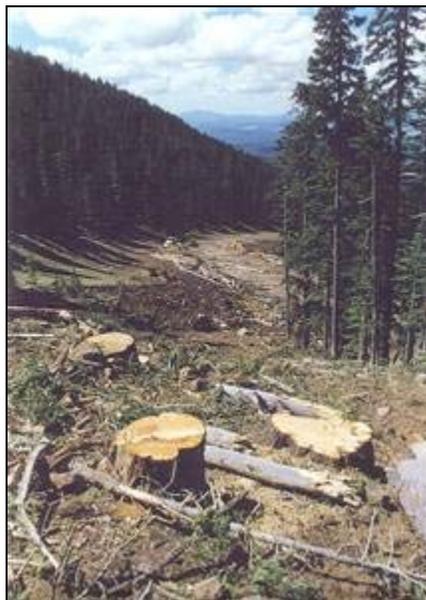
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#### Health concerns also cited

"No other ski area in the country, or even the world that we are aware of, uses 100 percent treated waste sewage to make snow," Shanker

added in the statement. "Posting signs throughout the ski area saying 'don't eat the snow' is not an adequate safeguard to protect against the known and unknown risks of exposure to the types of chemicals that persist in this effluent.



Save the Peaks Coalition

The Navajo Nation has long opposed ski operations on Arizona's Snowbowl mountain, citing impacts like the 1999 logging seen here. Their latest battle is over plans to use treated wastewater to make artificial snow.

"The potential impacts on children especially, many of whom may be too young to read the signs, have not been adequately assessed by the government," he continued. "This is an experiment that cannot be justified."

Rosenblatt upheld a U.S. Forest Service decision, ruling that opponents failed to show that the upgrade plans would interfere with the free exercise of religion.

Snowbowl General Manager J.R. Murray said he was pleased with the ruling and hoped to start the work as soon as possible.

Shanker told Reuters he plans by the end of next week to appeal the ruling and seek an injunction to try

to stop work from beginning at the popular ski resort, a fixture in the northern Arizona area since 1938.

The Navajo Nation, which has an estimated 300,000 tribal members in Arizona, New Mexico and Utah, had joined with several other tribes and environmental groups to go to court following approval of the resort's plan in March by U.S. Forest Service officials. The allies have also formed the Save the Peaks Coalition.

### Judge's rationale

At the heart of the appeals was the claim that such plans would desecrate sacred land that is important to several tribes' religious practices and beliefs.

In the 62-page ruling, Rosenblatt wrote that the Forest Service decision did not bar "access, use or ritual practice on any part of the Peaks. The decision does not coerce individuals into acting contrary to their religious beliefs, nor does it penalize anyone for practicing his or her religion."

The judge also reaffirmed policy that public land should be used for a variety of purposes.

The Navajo Council said that "although decisions are made by those in authority, those decisions do not supercede the natural laws of what is in existence. ... The natural law that compels us to protect our sacred mountain — Dook'o'oslíid — will continue. It has been in existence since the beginning of time. It will not end. We will continue our advocacy to protect what is already in perfect order."

*Reuters contributed to this report.*

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