

# News Release

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## **Tribes and Environmental Groups Unified in Efforts to Protect Mountain, Peaks Legal Battle Continues September 14, 2006**

### **9th Circuit Court of Appeals in San Francisco, CA to Hear Case Regarding Ski Resort and USFS Efforts to use Treated Sewage Effluent to Make Artificial Snow and Expand their Ski Area on the Sacred San Francisco Peaks in Flagstaff, AZ**

FLAGSTAFF, AZ – On September 14, 2006 the 9th Circuit Court of Appeals will hear arguments in a legal battle that may decide the future of American Indian religious freedom and the ecological integrity of the San Francisco Peaks, a mountain held sacred by over 13 Native American nations. Tribes and environmental groups have unified to halt Arizona Snowbowl's development plans to expand the current ski area and use treated sewage effluent to make artificial snow on the sacred Peaks.

Although the plan is backed by the US Forest Service and has been allowed to go forward in a decision issued by Judge Rosenblatt of the US District Court of Arizona on January 11<sup>th</sup> 2006, Snowbowl has been forced to delay their proposed development.

Howard Shanker, of the Shanker Law Firm, PLC, representing the Navajo Nation, the White Mountain Apache Tribe, the Yavapai-Apache Tribe, the Havasupai Tribe, Rex Tilousi, Dianna Uqualla, the Sierra Club, the Center for Biological Diversity, and the Flagstaff Activist Network will argue the case against the expansion plan and use of treated sewage effluent to make snow before a three judge panel in San Francisco, CA.

According to Shanker, “the use of reclaimed wastewater on the Peaks makes no sense. Spraying the tainted water on the sacred Peaks should be offensive to all people of conscience. The potential impacts to human health from exposures to the contaminants found in the reclaimed water have not been adequately assessed. In this context, the federal government needs to reconsider their unfaltering devotion to a privately run, for profit, ski area, in a part of Arizona that does not get sufficient precipitation to support skiing.”

In addition, presenting their case will be lawyers representing the Hopi Tribe and DNA People's Legal Services Inc. representing the Hualapai Tribe, and other tribal individuals.

“Amicus Briefs have been filed by the Dine’ Bidziil Coalition, Azee Bee Nahagha and the Dine’ Hataalii Association, who also recognize that this critical case will impact all people who value and understand the need to protect America’s cultural and natural heritage.” Said Robert Tohe, Environmental Justice Organizer, Sierra Club.

The Arizona Snowbowl operates the ski area under a Special Use Permit issued by the U.S. Forest Service. The expansion plan includes clear-cutting and “grading/stumping and smoothing” over 100 acres of rare alpine ecosystem, as well as creating a 14.8-mile long pipeline from Flagstaff to a 10 million-gallon storage pond on the mountain to create 205 acres of fake snow made of wastewater.

“This wastewater has been proven to contain harmful contaminants, such as pharmaceuticals, hormones and cancer-causing agents.” Said Carly Long, President of the Flagstaff Activist Network a litigant in the case. “The impacts of using this contaminated wastewater on a sacred mountain, completely surrounded by a wilderness area, will be devastating to the health of the people, plants, and animals of Northern Arizona.”

If the expansion plan proceeds, Snowbowl would be piping 1.5 million-gallons of reclaimed wastewater up the mountain each day.

“Since time immemorial more than 13 Native American Nations have held the San Francisco Peaks in northern Arizona holy. The sacred mountain has significant spiritual and cultural values; it is the home of deities, the origin of human beings—the place of creation and emergence, a place where special offerings are made, and rare medicinal herbs are gathered.” Said Klee Benally a volunteer with the Save the Peaks Coalition.

“The holy mountain is a single living entity in which the health of the whole is dependent on the well-being of each, individual part.”

Snowbowl and the Forest Service have officially acknowledged but continue to ignore how this plan would “contaminate the spiritual purity of the entire Peaks” (USFS FEIS). Joe Shirley, the President of the Navajo Nation, has called this plan a threat of “cultural genocide.”

“The significance of this case is shown through the unity of these tribes, environmental groups, and community members. This is not just an issue of indigenous rights violations, this is an environmental and human rights crisis,” noted Rudy Preston, Board member of the Flagstaff Activist Network.

If you would like to learn more about the case or read the actual court documents that Howard Shanker has filed go to the Save the Peaks Coalition's website:  
[www.savethepeaks.org/background.html](http://www.savethepeaks.org/background.html)