



Become a member  
Portfolio | Register



Personalize Now!



Search: **Forbes.com** Quotes Video Web Blogs Advanced

- INSIDE FORBES.COM:**
- 10 Tax Essentials
  - Worst Transportation Disasters
  - The Web's Photo Hot Shots

U.S. EUROPE ASIA HOME PAGE FOR THE WORLD'S BUSINESS LEADERS Free Trial Issue

HOME BUSINESS TECH MARKETS ENTREPRENEURS LEADERSHIP PERSONAL FINANCE FORBESLIFE LISTS OPINIONS

Video Blogs E-mail Newsletters People Tracker Portfolio Tracker Special Reports

PRESENTED BY

Intel vPro  
Core™ 2 Duo  
If you can draw it, Jim Lewis can make it—thanks to his HP Compaq dc7700 desktop with Intel® vPro™ technology.  
[Read the story.](#)

E-Mail | Comments | E-Mail Newsletters | RSS

Associated Press



# Court: No Fake Snow at Sacred Peak

By KIM CURTIS 03.13.07, 1:02 PM ET

### Popular Videos

- A Tour Of The World's Most Expensive Home
- Playboy Living In Pricey Penthouses
- Posh Crosses The Pond
- The Wonder Of Wonder Bread
- From Kitty Hawk To The Moon

A ski area on a northern Arizona mountain may not use treated wastewater to make snow because that would violate the rights of American Indian tribes that consider the peak sacred, a federal appeals court has ruled.

The Arizona Snowbowl on the San Francisco Peaks north of Flagstaff wanted to add a fifth chair lift, spray man-made snow and clear about 100 acres of forest to extend its ski season.

### Most Popular Stories

- The Achievement Gap
- Confessions Of A (Recovering) Overachiever
- Remarkable Posthumous Achievements
- One-Hit Wonders
- Whiz Kids

However, the Navajo Nation and a dozen other Southwest tribes filed suit to block the project, arguing that it would violate their religious freedom. The lawsuit also said the government did not adequately address the environmental effect of using wastewater, which would be pumped up a pipeline from Flagstaff.

In a decision Monday, Judge William A. Fletcher of the 9th U.S. Circuit Court of

Appeals said the snowmaking scheme violated the Religious Freedom Restoration Act of 1993 and would be akin to using wastewater in Christian baptisms.

"We are unwilling to hold that authorizing the use of artificial snow at an already functioning commercial ski area in order to expand and improve its facilities, as well as to extend its ski season in dry years, is a governmental interest 'of the highest order,'" Fletcher wrote for the three-judge panel, which heard arguments in September.

Howard Shanker, who represents several tribes, including the Navajo, said Monday's decision could have important repercussions.

"Hopefully, this stands because it creates a tremendous precedent for tribes to protect their sacred sites," he said.

The ruling overturned an opinion by U.S. District Judge Paul Rosenblatt in Phoenix, who said last year the tribes failed to show the project would affect their exercise of religion.

The 9th Circuit panel also ruled the U.S. Forest Service did not adequately address the possible health risks of drinking water tainted by runoff from snow made with treated wastewater.

Snowbowl owner Eric Borowsky said he'll either try to appeal to the U.S. Supreme Court, or make snow using water pumped from company-owned land.

"We are definitely going forward with this," Borowsky said. "This ruling is definitely the wrong ruling and it has a major impact on federal land."

For the third time in four years, the Arizona Snowbowl, which brings an estimated \$10 million annually to Flagstaff's economy, opened late this winter because of a lack of snow. It closed for the season this past weekend because of dwindling snow on its slopes, located above 9,000 feet.

**News by E-mail**  
Get stories by E-Mail on this topic **FREE**

### Topics

- AP Business
- Lawsuits
- Product

Enter E-Mail Address:

Select Your Title

[FAQ](#) | [Privacy Policy](#)

Also available:

[E-Mail Newsletters](#)

[Make Forbes.com My Home Page](#)

[Bookmark This Page](#)

[Find Free Wi-Fi Hotspots](#)

Powered By CNET.com

## HOT PRODUCTS On Forbes.com

New Reviews  
Editor's Picks  
and Most Popular Lists!



Check Out the Latest in Personal Technology >>

## HOT PRODUCTS On Forbes.com

Powered By CNET.com

ADVERTISEMENT

### Related Business Topics

[Starting A Small Business](#)

[Small Business Loans](#)

## Personalize Your Own Forbes Attaché

**SIGNUP NOW!**

**Weather** [Select Your City](#)

**Sports** [Select Your Teams](#)

**Stocks** [Select Companies](#) **XYZ** **+5.87**

**News** [View by Industry](#)

**Authors** [Choose Favorites](#)

**Small Business Attaché**

Are you a Decision Maker at your Company?

Activate your Attaché in one-click now!

**ACTIVATE NOW!**

Copyright 2006 Associated Press. All rights reserved. This material may not be published broadcast, rewritten, or redistributed

More On This Topic

E-Mail Newsletters: Sign Up Now To Stay Informed On A Range Of Topics
Attaché: Customize Forbes.com Now To Track This Author And Industry

Article Controls

Sponsored by SHARP

E-Mail | Comments | E-Mail Newsletters

del.icio.us | Digg It! | My Yahoo! | RSS

Related Sections

Home > News & Analysis

Today On Forbes.com

Double Dose Of Bad News Hits Wall Street

Evelyn M. Rusli
Mortgage and shopping blues combine to push stocks lower.

- Accredited's Bad Credit
U.S. Retail Sales Disappoint
Complete Coverage: Markets



Viacom's Billion Dollar Bluff? New Grist For The Class Wars Dreaming Of A New Chrysler Microsoft's Science Fair

News Headlines | More From Forbes.com | Special Reports

Subscriptions >

Subscribe To Newsletters Subscriber Customer Service

Advertisement for Forbes Wine Club: Finding Great Wine Just Got Easier. Includes list of benefits like Exclusive Wine Offers and Free Newsletter.

Content from Related Companies. Business Information Center: At the click of a button, we deliver the latest corporate, investor, press, and media communications items directly to the Forbes community.

Trading Center

Brought to you by the sponsors below



ADVERTISEMENTS

What's Your Credit Score?

The average US credit score: 675. The cost to see yours: \$0. www.FreeCreditReport.com

Lower Blood Pressure

Doctors agree, it's a safe and natural way to Lower Blood Pressure www.resperate.com

Rates Near 40 Year Lows

\$310K loan for under \$999/mo. Think you pay too much? See new payment. LowerMyBills.com/HomeLoans

Media Buying and Planning

Let us plan and buy your media campaigns. Print, TV, Radio, Internet www.workingmediagroup.com

New Costa Rica Property

Ocean and Mountain Views. Pre-Development Pricing. Free DVD. www.CostaLandSales.com

Buy a link here

Free Credit Report

more >

as a member of



First Name

Last Name

Credit Reporting & Monitoring: Discover how it can protect your credit well-being.

Next >

ForbesAutos.com

ForbesAutos.com Sports Car HOT LIST. See who made the list of Hottest Sports Cars for '07. Includes links for Sports Car Guide, Hottest Slideshow, and View all Sports Cars.