



Ei in Meinem Auge Edition
April 2012 • #131

Editorial Board:

Clair Anna Rose, Ellen Jo Roberts
Kyle Boggs, Sarah Gianelli
Bobby Carlson, Joe Grumbo

Contributors:

Tony Ballz, Logan Phillips
Cindy Cole, Sarah Irani,
Lisa Aguiñaga, Angie Johnson-Schmit
Thunderfoot, Ryan Matson, Avey
Bob Reynolds, Jon Jensen
Phyllis Thompson, Alex Rovang
Raechel Running, John Running
Leah Baggao, Margeaux Bestard

Sponsorship & Advertising: Cole Lahti

Publisher: Charles Seiverd

The Noise is a free forum for ideas and creative expression, hence all opinions expressed herein are of no affiliation to the directors of Weavel Inc and are strictly those of the individual artist. Copyrights are held by the individual artist and no part of this publication may be duplicated without explicit consent by the artist.

Readership: 52,000

Distribution: 350 locations in Northern Ariz. Flagstaff, Sedona, Cottonwood, Clarkdale, Prescott, Prescott Valley & Jerome.

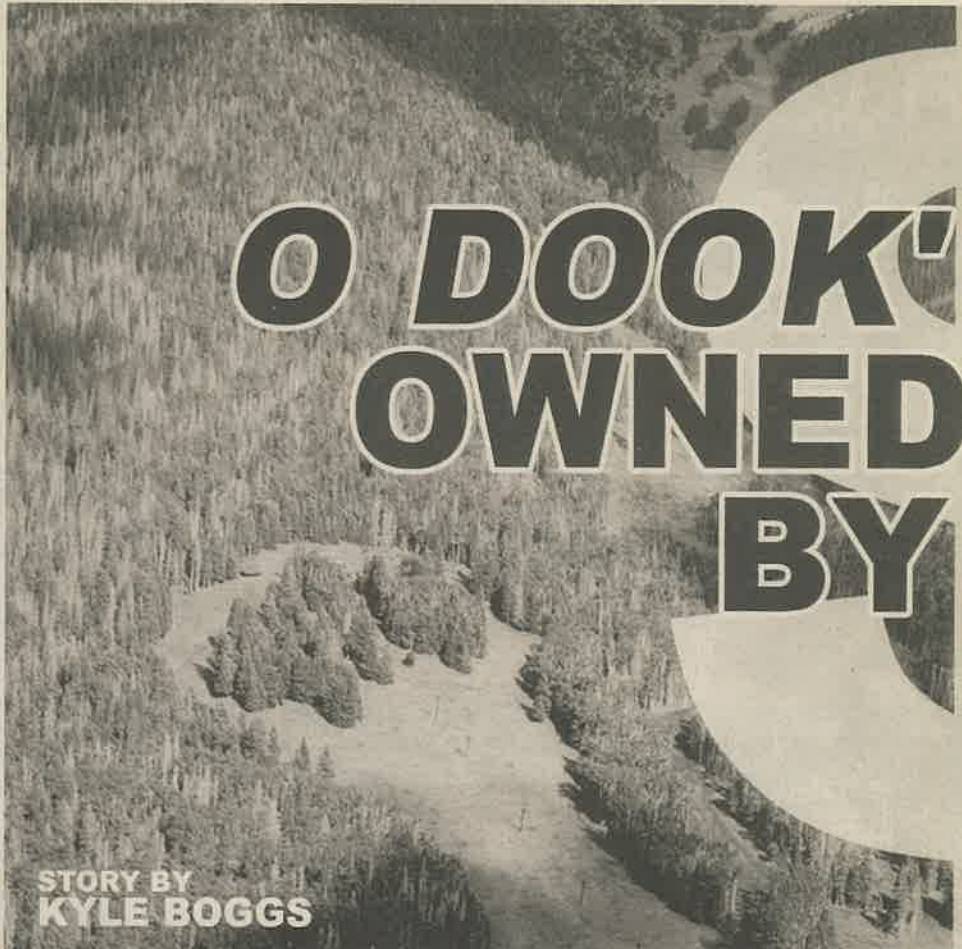
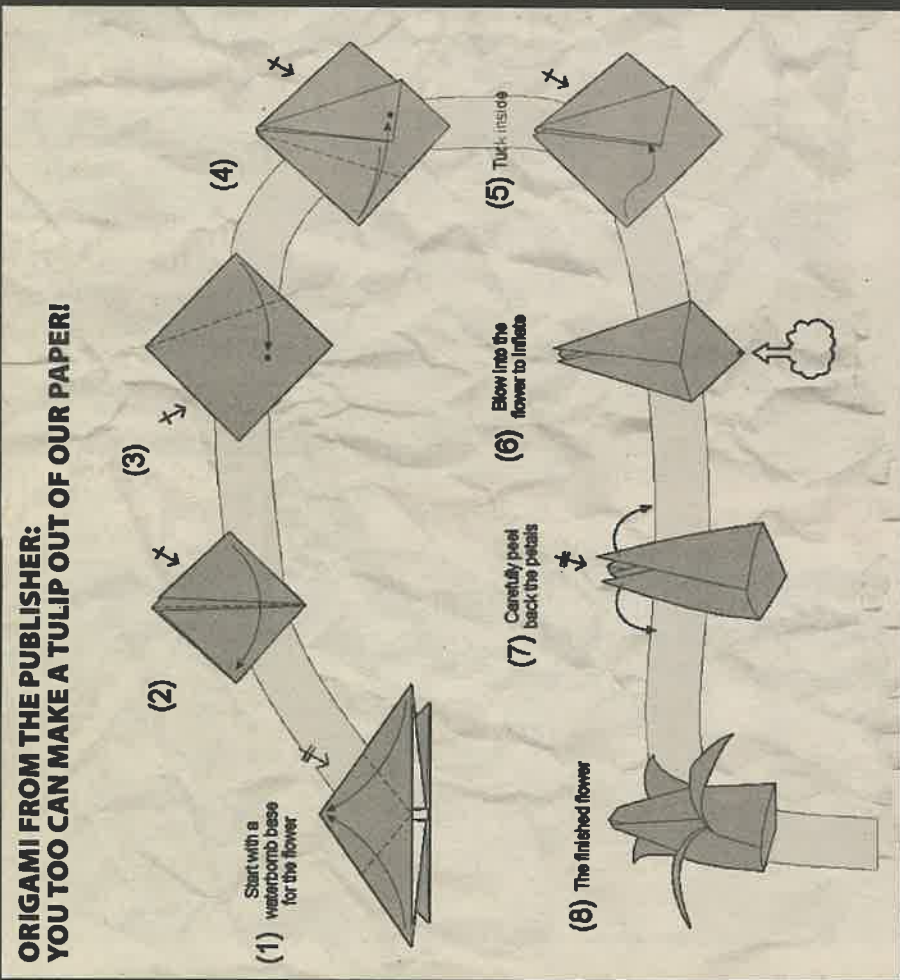
- 08. O Dook'o'ostliid!
Owned & Operated by Snowbowl?!
- 10. USFS Above the Law?
More Red Rock Pass Shenanigans
- 12. Eco-Haus Delight!
Solar EarthShip in Flight
- 14. Local Character:
Sallie Lou, Folk Artist of Cottonwood
- 32. Socratic Forum:
Credit for Art
- 34. La Otra Arizona
The Real Villains of Immigration

Regulars

- 16. It's the Arts
- 20. Film!
- 25. Jerome ArtBeat
- 26. Prescott's Don't Miss List
- 28. Music for the Masses
- 30. Open Letters / Question Man
- 33. Misadventures of Miss Rose
- 35. Supplement Calendar
- 37. Poetry & Photography
- 38. NEW! the 3 R's
- 39. Letters to NEd / Strangeology
- 40. Business News

Cover Art: Emergence by Raechel Running

INQUIRIES: 928-634-5001 | thenoise.us
POB 1637 • Flagstaff AZ 86002 | POB 1257 • Clarkdale AZ 86324



STORY BY
KYLE BOGGS

Confident after a win at the 9th Circuit Court in San Francisco, Snowbowl's expansions — improvements to some, desecration to others — continue to move forward, with a slated completion by the start of next year's ski season. The resort moves forward despite a recent appeal to the full 11-member panel of the Ninth Circuit *en banc* Court. And the City of Flagstaff administratively renewed its wastewater contract with the resort for another five years despite findings of a recently-released report commissioned by the Hopi Tribe. **The economic analysis debunks any preconceived notions that Snowbowl's expansions translate to any "significant or measureable economic impact on the Flagstaff area," according to a press release announcing the study.**

Upon driving up to Arizona Snowbowl, one will notice many new signs. These signs, alongside the road, the walkways, and adorning the wooden slats of buildings are messages that appear to be about health and safety. "Construction Zone, No Public Entry," says one, "This area is closed to public entry for health and safety concerns." Another: "Caution: Icy, changing and irregular conditions may exist."

However, other signs seem to be cloaked in thinly veiled paranoia. "Notice! For our guests and staff, in the interest of safety and security, all Snowbowl facilities are under 24-hour video surveillance. Smile!" Considering the history of resistance to development on the mountain, including instances of property damage and nonviolent direct actions dating back to the mid-1980s, perhaps they have every right to be paranoid.

Opponents of Snowmaking, however, have an even greater fear of another sign, one Snowbowl will be required by law to display prominently if the court rulings continue to go in their favor. The sign would warn patrons that the artificial snow is made from treated wastewater and it would be hazardous to health if consumed.

According to the Forest Service's own Environmental Impact Study, reclaimed

wastewater "has detectable levels of enteric bacteria, viruses, and protozoa, including Cryptosporidium and Giardia . . . [Indeed,] most documented outbreaks of waterborne disease in the United States are caused by protozoan and viral pathogens in waters that have met coliform standards . . ." The EIS further explains the likelihood of pharmaceuticals and toxins found in personal care products, but also, "veterinary and illicit drugs and such common substances as caffeine, cosmetics, food supplements, sunscreen agents, solvents, insecticides, plasticizers, and detergent compounds." **Despite all this, the water is still rated A+ as Arizona Department of Environmental Quality does not require tests for most of these compounds.**

"The fact that the federal government is championing the use of reclaimed sewer water, despite the potential risks to public health and safety, on a site that is sacred and holy to 13 of the tribes in the southwestern United States does not say much for the federal government's values and priorities," wrote attorney Howard Shanker in a press release announcing the appeal.

The lawsuit challenges the Forest Service's implementation of the **National Environmental Policy Act**. Meaningful consideration of the Act, according to the plaintiffs, would require that the water be more thoroughly tested. Though the **Save the Peaks Coalition** and nine concerned citizens were not successful at the Ninth Circuit, they couldn't shake the fact Snowbowl is slated to be the only resort in the world to make snow out of 100% reclaimed wastewater. "I am concerned for the children and families who could come in contact with the contaminants in this frozen treated effluent in ways never before experienced in the world," states plaintiff and Save the Peaks Coalition volunteer, Rachel Tso.

She continues, "Unfortunately for all of us who love spending time on the top of our highest Arizona mountain, potential risks to our human and environmental health have been overlooked by the US Forest Service."

O'OOSŁÍÍD!! & OPERATED SNOWBOWL?!

PHOTO BY
JOHN RUNNING

judges in the Ninth Circuit concluded that the case represented a "gross abuse of the judicial process." The plaintiffs disagree. "It is my right and my duty as an informed citizen," says plaintiff **Don Fanning**, "to use all available legal recourses to protect my family and others from what amounts to an experiment by the USFS on ill-informed human beings."

Plaintiffs also assert the Nixon/Reagan/Bush-appointed three-judge panel never actually considered the merits of the case. "I believe if the full court can have the opportunity to consider the full merits of the case they will affirm the request of further investigation is reasonable," stated Ms. Tso.

In 2006, when Mr. Shanker represented the Navajo Nation against the Forest Service on grounds that the expansions violated Native religious freedoms, he was successful at the Ninth Circuit Court. However, when the Forest Service appealed the verdict to the *en banc* Court, the full panel then went in Snowbowl's favor. Even though Snowbowl was successful in their appeal to the *en banc* court, Mr. Shanker is less optimistic in 2012. "This has just been a series of bad decisions," he said. "That we can have two panels of the Ninth Circuit issue completely contradictory rulings based on the same law and the same facts, does not say much for our current system of justice."

Meanwhile, in April, the Hopi Tribe is expected to file an appeal to their case with the City of Flagstaff, asserting reclaimed water used in this way is actually in violation of state law. The tribe lost the first case simply because the court found that the lawsuit was filed too late. **The Hopi Tribe, like the Save the Peaks Coalition, is hoping the merits of their cases will be considered through the appeal process.**

The Hopi Tribe, however, are combating this issue from another angle as well. Since this whole controversy began, the most powerful argument the pro-Snowbowl expansion side could muster was based on economic arguments related to increased revenue for the city and job creation. During a time when economic confidence has never been lower, when budget cuts and unemployment have become the norm, the hope that Snowbowl's expansions would breathe life into an otherwise bleak economic reality was widely embraced.

However, a recently-released economic analysis commissioned by the Hopi Tribe and prepared by **Bioeconomics, inc** has found the numbers simply do not add up to support this argument. The 30-page report titled, *Economic Significance of Arizona Snowbowl to the Flagstaff & Coconino County Regional Economy* validates what others have asserted for years. That is: **"the proposed expansion and addition of snowmaking to Arizona Snowbowl has ... a very tiny and ... uncertain impact on the county economy. The incremental impact of the Snowbowl expansion plans is estimated to account**

for less than 2/10ths of 1% of county economic activity, and only 9/100ths of 1% of labor income in the country."

On March 8, without a City Council vote and with no public discussion, the City of Flagstaff administratively renewed its wastewater contract with Snowbowl for another 5 years. In light of the recently released economic analysis, one might ponder: *why on Earth does the City of Flagstaff regard the sale of water resources to a privately owned entity outside city limits as being in its best interest?* "I think it's outrageous," Mr. Shanker said of the administrative renewal. "They understand how important this is to the neighboring tribes, and many of their residents."

Particularly upset about the contract renewal was the **Navajo Nation Human Rights Commission**, who contacted the City prior to the renewal to obtain information about when it would take place. City officials told them the renewal was scheduled for "review and discussion" during the March 20th Flagstaff City Council meeting. When the commission learned the contract was renewed on the 8th behind closed doors, "the City withheld the contract from NNHRC until a press conference had been conducted." The group expressed "grave concerns" regarding the lack of dialog toward improving race relations within surrounding communities.

While all this occurred, Snowbowl was gearing up to use its snowmaking machines for the first time. The resort trucked in 4 acre-feet of potable drinking water to make snow artificially for the anticipated Spring Break rush. "This last decision to haul potable water was without notice or consultation and the lack of formal consultation violates the National Historic Preservation Act," said **Leigh Kuwanwisiwma**, Director of the Hopi Tribe's Cultural Preservation Office. Many folks were wondering how this was possible, knowing the City had only approved the use of reclaimed wastewater, of which construction is not yet complete.

Back in April 2010, majority owner of Arizona Snowbowl, **Eric Borowsky**, submitted a letter to freshman Forest Supervisor **Earl Stewart** requesting an amendment be made to his Special Use Permit to allow the resort to use either reclaimed wastewater or recovered-reclaimed water to make snow artificially. The latter of the two, which is really an unnecessarily-muddied term for potable drinking water, did not present "a significant new environmental effect" on the ecosystem of the San Francisco Peaks. Mr. Stewart, who at that time had been in office for almost over a month, then cordially approved the use of either water option for Arizona Snowbowl. **N**

| Kyle Boggs has written many thousands of words so far in his five-year coverage of the Peaks issue.
kyle@undertheconcrete.org



Rock-It-Man

99¢
VINYL
PARKING
SPACE
SALE
EXCLUSIVE
LIMITED EDITION
LARGEST SELECTION
OF NEW VINYL IN AZ
DOWNTOWN
FLAGSTAFF
17 N LEROUX
928.214.6096
check us out on
facebook