

TREE SIT HALTS CONSTRUCTION OF RECLAIMED WASTEWATER PIPELINE



UNDER the
CONCRETE

BY KYLE
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Three years ago, one could find him at the Arizona Snowbowl ski resort snowboarding on a regular basis. Today, **James Kennedy** is better known as one of many Northern Arizona activists who have and continue to risk their safety and freedom to stop the resort from moving forward with plans to use reclaimed wastewater to make artificial snow.

For months, Mr. Kennedy and others had been monitoring the construction of the 14-mile pipeline, the remaining sections of which are currently being dug out on Lowell Observatory's property on Mars Hill, just west of Thorpe Park. On Monday August 20, Mr. Kennedy took further action by occupying a large ponderosa pine tree, which was tied first to other trees in the vicinity, then anchored to a large trench-digging machine. This is what is referred to as Kennedy's lifeline. The tree-sit halted construction for three full days before Kennedy, who had enough food and supplies in the tree to last a month, chose to come down Thursday morning due to a severe lightening storm in the area.

A day into Mr. Kennedy's tree-sit, supporters noticed unidentified men interfering with his lifeline. "They were swinging around on James' lifeline as if it were a monkey bar, and when we told them they were endangering his life they said, 'it's coming down today anyway,'" recalled **Alex Iwasa**. Consequently, Mr. Iwasa and **Erik Fettig** locked themselves to the machinery, blocking access to the lifeline, thus protecting Mr. Kennedy from threats to cut the line. Both men were cut out by police and arrested for trespassing. Eventually, police did remove the lifeline, which jostled Mr. Kennedy's platform, but he remained injured.

The action comes after two days of education and protests. On August 18, a well-attended Teach-In at Northern Arizona University's new Native American Cultural Center took place throughout the day, which included panels, workshops, and small group sessions that addressed issues related to the history of the controversy surrounding development on the San Francisco Peaks, in-

cluding information on sacred sites, environmental justice, legal cases, water issues, and promoted many ways concerned folks could get involved.

The day of the Teach-In also marked the final steps of Diné activist **Kris Barney's** 200-mile "prayer walk" — from his home in Rough Rock, Arizona to the San Francisco Peaks — to bring awareness to what he refers to as an "attack," and "ecocide" in favor of "recreational expansion."

The next day dozens of protestors converged on the **Rio Del Flag Wastewater Treatment Plant** where one individual had locked himself to the front gate by the neck with a U-Lock. The treatment plant is scheduled to supply the Arizona Snowbowl with reclaimed wastewater as early as November.

In terms of legal updates, the actions come as **Howard Shanker**, attorney for the Save the Peaks Coalition waits to hear whether or not the full eleven-judge panel for the Ninth Circuit Court of Appeals will grant his petition for a rehearing, challenging a Republican-appointed three-judge panel's decision to impose sanctions on the lawyer. Consumer advocate **Ralph Nader**, among a list of lawyers and indigenous human rights groups across the country continue to express support for Mr. Shanker. Supporters are concerned that such a decision would deter other lawyers from taking on politically charged cases for free. [At press time update: on 8/29/12 the 9th Circuit Court of Appeals has withdrawn sanctions against Mr. Shanker.]

The Noise caught up with Mr. Kennedy on the second day of his tree sit, just before he prepared his lunch, at least 80 feet up in the tree. From his perch, Mr. Kennedy said, "I can see all of town, and directly east of me are the San Francisco Peaks. It's a beautiful view." On today's tree-sit menu: some hot soup with carrots and bell peppers from his garden. He didn't answer his phone right away, as his stash of food was in a bag a little further up the tree.

When asked what his primary reasons are for staging this kind of nonviolent demonstration, Kennedy voiced much concern over the safety of reclaimed wastewater, noting recent studies that the courts or the Forest Service never considered. "There are several recent studies that came out, some of which came out in *The Noise* about the detrimental affects of treated sewage water on trees and the environment," said Kennedy. "And most recently **Robin Silver** — it wasn't his research but a team of researchers and students that reported to him — tested public sources of treated sewage effluent in Flagstaff for bacteria, attempting to answer questions regarding what bacteria survives the treatment process. In at least three different samples, they found bacteria that contain antibiotic resistant genes. The study found evidence of **MRSA**, antibiotic resistant **Enterococcus**, stuff like that. Really dangerous stuff," said Mr. Kennedy.

The report to which Mr. Kennedy refers, *Antibiotic Resistance Gene Testing of Recycled Water Samples in Flagstaff, AZ*, was released in August of this year. "Antibiotic resistance is a growing problem and is a major challenge to human medicine because it results in drugs losing their effectiveness for treating bacterial infections," so explains the rationale for the study. The study found that the presence of ARGs, although "relatively diminished" in the newly recycled water, was "dramatically increased at the point of use."


The study then expresses concerns that "there are no water quality standards defining a 'safe' level of ARGs," while at the same time the study seems skeptical of **Arizona Department of Environmental Quality's** ability to accurately rate the safety of treated water. "Water quality standards are primarily based on coliform testing." ADEQ can rate the quality of water as "Class A+ Reclaimed Wastewater" if there are less than 23 coliform organisms per 100 ml of any given sample. This "falls short," explains the study, "in assess-

ing risks of many pathogens, especially in recycled water." This obviously calls into question all uses of reclaimed wastewater, not just on the Peaks or McMillian Mesa's proposed snow-play area, but everywhere the water is used.

"So this is what is being sprayed on our fields. Kids run through the fields and essentially get sprayed down with antibiotic resistant bacteria. So I think that really spurred me into action," said Mr. Kennedy.

Even if the city did take measures to ensure the quality of the wastewater goes above and beyond the standards of ADEQ, there is still the very real issue of responsible water use in the West. "I've spoken to city employees among others who say, if there were a catastrophic wildfire near **Lake Mary**, that such an event would ruin that water supply and we'd have an immediate water shortage," explains Mr. Kennedy. "Beyond that, we're still looking at 20 years until we run out of water. And regardless of whose water we try to steal, such as from **Red Gap Ranch** and other places, if the wastewater can be made safe, it's still a resource for the community and it shouldn't be sold off to private interests," he said.

When pressed to recall a specific moment when he changed his mind from being one who supports Snowbowl as a snowboarder to the outspoken critic he is today, Mr. Kennedy explained how a Hopi woman he worked with allowed him to see his priorities in a new way. "Three years ago, I had a season pass so I went almost every day. But it's just recreation, you know? It's not something that takes precedence over someone else's culture and life."

Police say they are planning to arrest Mr. Kennedy, and Lowell Observatory plans to press trespassing charges. 

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