



FOREST SERVICE FILES "ABSURD" FEDERAL CHARGES AGAINST "PROTECT THE PEAKS" ACTIVISTS

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On December 11, 2012, upon hearing word that the Forest Service filed federal charges stemming from a peaceful "Protect the Peaks" demonstration at a Forest Service office three months prior, three activists turned themselves over to US marshals. The warrants for their arrests were "sealed warrants," which means the full details of the charges are inaccessible to the defense, preventing any knowledge, for example, that there was probable cause for the arrests.

On September 21, 2012, a dozen individuals — including children — staged a theatrical "quarantine" of a Coconino County Forest Service Office. This kind of demonstration, which has taken place in one form or another dozens of times in the past at various locations, was used to foreground the presentation of a formal letter to Forest Supervisor **Earl Stewart**. The letter — presented to Mr. Stewart by Diné activist **Klee Benally** — also went out to President **Barack Obama**, Secretary of the Interior **Ken Salazar**, and Secretary of Agriculture **Tom Vilsack**.

During the demonstration, activists made clear their concerns regarding the impact of reclaimed wastewater to make snow on human health and the health of native plants and trees, while others claimed that the Forest Service is complicit in what many regard as "desecration" of a holy mountain. Among other requests, the letter called for the Forest Service to cancel its Special Use Permit issued to the Arizona Snowbowl.

"I entered the building with a group of people and requested to speak to Forest Supervisor Earl Stewart," said Mr. Benally. "We had a cordial conversation, he accepted letters regarding the sacred sites policy, we shook hands multiple times." Three months later federal charges were filed.

According to the Forest Service complaint, an unknown individual allegedly tipped over a 5-gallon bucket full of a "clear liquid" in the lobby. Apparently Flagstaff Fire Department and a hazardous material team were called to address the "potentially hazardous" spill that was eventually determined to be treated sewage effluent.

Evan Hawbaker, among those facing federal charges said the charges are "absurd."


"The irony is that the Forest Service has authorized Snowbowl to spill more than one million five hundred thousand gallons of treated sewage effluent per day onto a rare and pristine alpine habitat," maintains Mr. Hawbaker. "Yet they feel its appropriate to call hazmat when a pail of wastewater is allegedly poured onto their polished tile floors."

The three activists (there was a fourth, but he happened to be out of town when charges were filed) were arrested, kept in a cell for five hours in shackles around their waists, hands, and feet. While in custody, the activists claim to have been interrogated by US Forest Service agents without their lawyers present.

All four protestors are facing multiple counts of a misdemeanor charge for allegedly interfering with a US Forest Service officer. The offending federal statute (Title 36, Section 261.3a) reads: "Threatening, resisting, intimidating, or interfering with any forest officer engaged in or on account of the performance of his official duties in the protection, improvement, or administration of the National Forest System is prohibited."

"It seems clear to me," Mr. Benally stated, "that the Forest Service is seeking to suppress any further possibility of us speaking the truth for religious freedom and protection of the holy San Francisco Peaks." Mr. Benally also questioned the timing of the arrests, which coincide near the date the ski resort plans to open for the season, the first the resort will be able to use reclaimed wastewater to make snow artificially. "This is a politically motivated attack that was clearly timed to send a message to anyone who cares about the Peaks from protesting Snowbowl snowmaking with treated sewage effluent."

Another apparent coincidence is that the arrests occurred on the same day that the Department of Agriculture released a 144-page report detailing USDA's policy and procedures review and recommendations regarding "Indian Sacred Sites." The report is based on more than 50 "listening sessions" with tribal communities which took place from 2010 to April 2011. "The fact that the USFS would bring these charges the same day they released their report on the protection of sacred sites demonstrates that they are not acting in good faith," said Mr. Benally.

A date for a bench trial is expected to be set after press time, on December 27, 2012 at 10AM. 



THE BOOM HEARD ROUND THE VALLEY

BY CINDY J. COLE | cindycole@live.com

If you're reading this it means we got past December 21, 2012 without the world coming to an end. But if you were anywhere in the Verde Valley on December 4, you might have been wondering what our chances really were.

Right around 4:47PM you may have heard what sounded like a huge truck barreling down the road. But, after looking around for the source of the loud rumbling, you may have been a bit bewildered when the source of the noise could not be located.

After what seemed like several minutes of this loud rumbling (but was probably only a few seconds), during which windows rattled and waves of vibration ran through your body, an even louder boom rang out before everything went still again.

This may have left you feeling confused and wondering what in the world could have caused the sounds and feelings you just experienced. I know that's how I felt, so I decided to see if I could get to the bottom of the so-called "booming incident" and find out what caused it.

Many people first thought that the sound and vibration might have been caused by an earthquake. So I contacted the **National Earthquake Information Center (NEIC)** at the **United States Geological Survey (USGS)** and spoke with a couple of their geophysicists.

Earthquake analyst **Don Blakeman** confirmed that there was no seismic activity recorded anywhere in the Verde Valley for December 4. He assured me that if there had been any activity below the surface sufficient to cause this event, it would have registered on seismometers in the area. He suggested that the booming was probably caused by a surface event that was not recorded by the instruments that pick up earthquakes — likely a sonic boom.

Rob Groninger at the **Sedona Airport** confirmed a "few people present at the airport that day reported hearing the sounds." However, he said there are no aircraft capable of creating a sonic boom — or coming close to flying at the speed of sound, for that matter — that are even able to use the Sedona Airport.

Lieutenant DeCamp at Luke Air Force Base confirmed that Luke did not have any aircraft in or around the Sedona/Verde Valley area that day. In fact, he said it is rare that planes from Luke Air Force Base ever fly into our region. According to Luke's Range Man-

agement Office, their standard flight pattern goes as far north as the I-17/101 junction area and then breaks west. But, of course, Luke is not the only military base in the area that has aircraft capable of creating sonic booms. Lt. DeCamp suggested calling several other airfields in the region.

A call to **Nellis Air Force Base** in Nevada was fairly inconclusive. Airman Young confirmed that there were no complaints filed about aircraft noise or sonic booms on December 4. She could not confirm there were no aircraft in the airspace over the Verde Valley without taking a formal complaint.

However, she said, "if there had been a sonic boom, we would have gotten complaints." She said that complaints were filed with the base on December 3 and 5, but not on the 4th. It seems unlikely that anyone in Northern Arizona would think to call an air base in Nevada, even if a plane had been observed.

In a preliminary search, Sr. Airman Dowdle did not uncover any records or evidence that aircraft from the **Davis-Monthan Air Force Base** in Tucson had been in Northern Arizona on the day in question. At press time, no follow-up information to contradict this initial response had been received. The Marine Air Corp Station in Yuma could not be reached.

However, **John Bellini**, a Geophysicist at the USGS told me that there had been an incident in Tampa, FL a few years ago where people over a large area had experienced similar booming to what was heard here in the Verde Valley. Calls came into the USGS reporting an earthquake and it was even enough to register on seismic instruments.

However, eventually local military admitted that there were F-18 fighters in the area that had, in fact, created a sonic boom. So far, nobody is owning up to that here but it is still a possibility.

To rule out atmospheric sources from weather systems, I also talked to Meteorologist **Robert Rickey** at the **National Weather Service (NWS)**. He confirmed that observations at Flagstaff Airport that day were clear skies and that there were no weather systems or evidence of thunderstorms in or around the Verde Valley area on their satellite records.

But so many people in the region experienced this disturbance that a long thread appeared on the Sedona Bulletin Board group on Facebook. Another explanation I decided to check out was a comment that it could have been caused by construction at the Cordes Junction interchange on I-17. The author of the post had travelled through that area the night before and remarked that traffic had been rerouted there.

A call to the **Arizona Department of**