



**CITY  
STAFF  
PROMISES  
3.6 BILLION  
GALLONS  
OF PUBLIC  
WASTEWATER TO  
SNOWBOWL  
WITHOUT A  
PUBLIC  
HEARING;  
CITIZENS ASK  
“HUH?”**

STORY BY  
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PHOTO BY  
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In August, Flagstaff Utilities Director **Brad Hill** administratively approved a controversial amended 20-year contract with the **Arizona Snowbowl** ski resort, extending its ability to make snow from the City's reclaimed wastewater through 2034. At 180 million gallons used by Snowbowl per ski season, the total commitment is 3.6 billion gallons over two decades, or at 2014's current wastewater rate for "Outside City Off-Peak/Golf Course," a guarantee worth \$4.25 million. In contrast, if a private citizen were to use the City's reclaimed wastewater to such a degree, he or she would be charged \$15.9 million, accordingly.

The approval came at the direct request of Snowbowl. In a letter addressed to Mr. Hill July 22, Snowbowl General Manager **JR Murray** stated the resort's reasoning for the request. "We request a new 20-year agreement for the following reasons: 1) financial lenders are expecting more certainty with respect to the term and renewal of the current water agreement, 2) ski area owners expect to invest substantial amounts of additional capital and they need the certainty of a longer agreement, 3) the new agreement provides benefits to the city of Flagstaff, 4) the city of Flagstaff has recently approved a new water policy," wrote Mr. Murray in the letter.

Many groups including **Friends of Flagstaff's Future** and **Protect the Peaks** expressed concern that one single city official was granted the power to make a decision that impacts so many for so long, with no public input. "I find it reprehensible that we, the public who will be affected by this decision, were not allowed to make comments; and that an open review process was not put in place," said **Mary Sojourner**, a volunteer

with **Protect the Peaks**.

The "new water policy" that enabled the approval of Snowbowl's request was the product of a city ordinance adopted in 2002, and reaffirmed by council in April 2014. "In 2002 City Council voted to amend City Code so that the Utilities Director administratively approves, executes and enforces Reclaimed Water Agreements," said Mr. Hill. "Existing Agreements have timeframes that range from 5, 10 & 20 years, depending upon the needs of the end user."

The second time City Council voted on this topic was earlier this year, where council voted to adopt *Principles of Sound Water Management*, recounted Mr. Hill. The wording of these new policies was approved by the **Water Commission** in 2012, and formerly adopted by council this year.

"City Code and adopted Water Policy is very straight forward on how utilities can approve an existing reclaimed water customer agreement," said Mr. Hill. "In Snowbowl's case, since they were an existing user, the Utilities Division shall renew a Reclaimed Water Agreement if the existing user is in compliance with all applicable financial and legal requirements of city, state and federal laws. If an existing user is in compliance, then the Utilities Division renews the agreement."

Members of **Friends of Flagstaff's Future** and the **Sierra Club** met with Mr. Hill at the end of July to discuss the matter, and expressed that they were concerned with this policy when it was adopted in April. Nevertheless, in the newly adopted *Principles of Sound Water Management Water Policies Plan*, page 23 of section C7, clearly states "The Utilities Division shall renew a Reclaimed

Water Contract." The word "renew," however, caused some members of **Friends of Flagstaff's Future** to pause, remembering that in Snowbowl's initial request **JR Murray** specifically requested a "new" agreement. A "new" agreement, they assumed, would require public input and perhaps even a council vote, however the end result for Snowbowl was an "amended" contract. Mr. Hill commented that in Snowbowl's case, there is no distinction here between a "new" or "amended" contract. "The Policies requires the Utilities Division to give first priority to those users that have a valid Reclaimed Water Agreement," said Mr. Hill. Because they are already in the system as a user, Snowbowl's contract is simply "renewed" with "substantial changes."

Further, under the City's newly adopted water policies, such a distinction between a new contract and an amended one no longer matters anyway because Mr. Hill has the power to enter into a new contract or renew existing contracts without a council vote and without public participation.

Unless this issue is brought before council again, as a future agenda item, this water policy stands: "According to City Code and Water Policy, both of which are approved by the City Council, Reclaimed Water Agreements, new or renewal of existing users, state that the Utilities Director approves, executes and enforces Reclaimed Water Agreements." Mr. Hill did add that two other types of reclaimed wastewater agreements, such as those detailed as conversions and extensions, would still be approved by City Council "since those agreements commit the Utilities Division to expend public funds."

Others, however, are quick to point out how public funds are still in play with Snowbowl's agreement. **Protect the Peaks**, a consortium of groups against the expansions at Snowbowl, said, "Currently, Flagstaff taxpayers are subsidizing Snowbowl's reclaimed wastewater use for dirty snow. Arizona Snowbowl receives reclaimed wastewater for a fraction of the cost that city residents would, resulting in millions of dollars of Flagstaff tax payer funds subsidizing this unsustainable business, a business not even within city limits."

Mr. Hill went on to state that renewing existing reclaimed wastewater user agreements is a "routine thing for the Utilities Division," he said. "In fact, I have already approved eight agreements this year, one of which was Northern Arizona University."

**Protect the Peaks** and other concerned citizens argue that Snowbowl's agreement is not on par with other users, given its fragile ecosystem as well as the ongoing controversy surrounding the cultural impacts of using reclaimed wastewater on a mountain held sacred to Native Americans.

"Over 13 Indigenous Nations have expressed overwhelming opposition to the use of reclaimed wastewater on the San Francisco Peaks, citing the damage it will do to medicinal plants, animals, culture, and the sanctity of this sacred site. The Forest Service, City of Flagstaff, and Arizona Department of Environmental Quality have all colluded to push snowmaking through and to ignore any voice against such action," wrote **Protect the Peaks** in a press release.

Two separate lawsuits challenged the Forest Service's approval of Snowbowl's use of reclaimed wastewater to make snow. The first of which charged the Forest Service with violations against the **American Indian Religious Freedom Act**, citing the use of reclaimed wastewater is tantamount to desecration of a sacred site. This lawsuit lasted several years, stopping just short of a

hearing by the Supreme Court. The second lawsuit cited human health as a concern, as there were and still are many unanswered questions about the content of reclaimed wastewater.

"City officials acknowledge that reclaimed wastewater may contain antibiotic resistant bacteria and pharmaceuticals, but have no timeline for testing and mitigating these issues," stated **Protect the Peaks**. "It is illegal to ingest reclaimed wastewater through the eyes, mouth, ears or skin due to its fecal coliform and chemical content. In spite of this, state agencies are turning a blind eye to these facts when considering matters with Snowbowl — thus the City and state agencies are therefore putting thousands of skiers and families at risk."

**Protect the Peaks** was also quick to point out the **Hopi Tribe** currently has a lawsuit with the City of Flagstaff attempting to halt the sale of reclaimed wastewater for Snowmaking, citing a "public nuisance." The Hopi Tribe did not return requests for comments at time of publication, but did maintain its lawsuit is still ongoing. **Protect the Peaks** stated that the City should have waited until the lawsuit was resolved before such a long-term contract was approved.

Considering last winter was one of the driest on record, bringing neighboring **Williams** into level 4 water restrictions, **Klee Benally**, a volunteer with **Protect the Peaks** expressed outrage that such a contract would be approved considering the water scarcity issues that have plagued the area. "This is incredibly offensive, unsustainable and ultimately irresponsible, considering the escalating water crisis we're facing in the Southwest," he said. Speaking to *12 News*, Mr. Benally elaborated: "To commit water resources for 20 years for recreation to a business, a single for-profit business that operates outside of city limits ... we should be thinking about the water for Flagstaff," he said.

Interviewing "avid skier" **Curtis Shultz** who was pursuing equipment at **Ski Haus**, **Krystie Henderson** of *12 News* recorded the following comments, "Whoo skiing! ... I've been a very strong advocate for the snowmaking, so we're going to have extended snow seasons, more revenue for Flagstaff ..." While the success of some businesses like the **Ski Haus** are dependent on Snowbowl, there is little to no evidence that suggests Snowbowl provides significant or consistent revenue for Flagstaff as a whole, according to an independent economic analysis commissioned by the Hopi Tribe. **Protect the Peaks** also pointed out that according to the **Environmental Impact Statement** detailing Snowbowl's expansions, even the Forest Service said, "It is unrealistic to think that the Snowbowl would be a significant driver of tourism activity or the economy."

In terms of the future of water security in Flagstaff, candidates for City Council have noted updates to water treatment facilities would be a possibility or the proposed pipeline from **Red Gap Ranch** could be completed, though both options are incredibly expensive. "There needs to be meaningful public involvement in such serious decisions that not only impact the cultures of indigenous nations and the environment," Mr. Benally told *12 News*, "but we're talking about water resources 20 years down the line." 🗣️

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