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Deputy Secretary Merrigan  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, DC 20250

July 26, 2010

**Re: July 2nd Permit for Snowmaking at Arizona Snowbowl, San Francisco Peaks**

Dear Deputy Secretary Merrigan:

It is with great concern for the integrity of the natural environment and the vindication of rights for Native American tribes that we request that the United States Department of Agriculture rescind its recent decision to allow snowmaking on Northern Arizona's San Francisco Peaks.

While we recognize your intention to protect cultural values while promoting economic development, the use of either reclaimed wastewater or potable water raises serious concerns related to the inadequate evaluation of impacts to the mountain's ecosystem from snowmaking, potential threats to public and children's health from contaminants in the artificial snow, improper use of precious water resources in the arid West, and the severe impingement on religious practice for the region's tribes. You now have the opportunity to demonstrate USDA's commitment to environmental and racial justice by rescinding the July 2nd permit and returning to the negotiation table in an above-board manner with all interested parties, including the tribes.

The San Francisco Peaks are holy to thirteen tribes, including the Navajo Nation, for whom the Peaks represent a locus of spiritual power. For Navajo people, the health of the community rests on a foundation comprised, in large part, of the intimate relationship between people and sacred sites. Presently, that foundation is threatened by a proposal to use reclaimed wastewater or potable drinking water as artificial snow. Advocates of this proposal claim that it will increase the amount of skiable days available to Arizona Snowbowl, the mountain's ski resort. Yet the Navajo and other tribes view the proposal as environmentally unsound and a violation of the right to freedom of religion.

USDA's permit will necessarily cause harm – either through the over-use of precious drinking water, or the application of toxic and culturally-damaging reclaimed wastewater to the mountain. In the first scenario, resulting from the USDA's approval following thirteen months of secret negotiations, the City of Flagstaff's Water Commission will review a proposal on July 29th to sell potable water instead of reclaimed wastewater to Arizona Snowbowl. Such a scheme would require the pumping of up to 1.5 million gallons of the City's already-scarce<sup>1</sup> drinking water daily for up to

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<sup>1</sup> A study by the Bureau of Reclamation indicate that by 2050 water demands will exceed sustainable supplies for the Flagstaff region, due to climate change. See <http://bit.ly/98OH1B>.

four months a year, at an additional \$11 million cost which Arizona Snowbowl intends to fund through a federal grant – strongly opposed by Arizona’s two senators. Alternatively, the negative impacts to health, environment and culture that would result from the use of reclaimed wastewater as artificial snow are well-documented in several rounds of litigation and revealing scientific study.<sup>2</sup>

Finally, in either case, snowmaking will result in the further development of infrastructure on the mountain – including an expansion of approximately 205 acres, a 10 million gallon reservoir, a new sledding area, new chair lifts, logging for new trails on Humphreys Peak slope, a 14.8-mile long pipeline to carry water from Flagstaff to the ski area, 400 new parking spaces, a half-pipe, a pedestrian underpass, a bigger ski lodge, and a new 10,000 square foot building. This new infrastructure – and its damage to pristine vegetation and trees, the noise and activity which will result from its construction and operation, and the energy required to power it – will severely curtail the tribes’ ability to access the natural and cultural resources and activities which are central to their religions.

For the tribes, the USDA’s actions demonstrate a lack of good will and result in an unsound, resource- and cost-intensive plan. Former Hopi Chairman Ben Nuvamsa decried USDA’s failure to engage appropriately with tribes, expressing his “dismay[] at the Obama Administration for its decision to permit the making of artificial snow without properly consulting with the tribes, especially those tribes that hold the San Francisco Peaks sacred. The Obama Administration was touting the Nation-to-Nation relationships and its consulting policy, but why did they not live by their word?”<sup>3</sup> The tribes and concerned citizens in this case view any type of snowmaking as an improper and damaging activity – damaging to public health, religious freedom, environmental justice and racial equity, the continued availability and integrity of water resources, and the biological resources on the mountain.

Nonetheless, USDA has an opportunity here to correct its course, treat the tribes as decision-making partners, and demonstrate its commitment to racial justice. USDA ought to rescind its decision until appropriate further consideration – consistent with the precautionary principle, the principles of environmental justice, and the highest standards of review pursuant to the National Environmental Policy Act – can be undertaken. The current proposal is a waste of precious resources and an unacceptable threat to environmental and cultural sanctity, in service of an altogether dubious economic proposition. We hope you will consider our views and take action before the Flagstaff City Council’s meeting on July 29th.

Best regards,

Carolyn Raffensperger  
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Caitlin Sislin

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<sup>2</sup> Studies by Northern Arizona University’s Dr. Catherine Propper and others show harmful trace contaminants in the reclaimed water. *See* <http://bit.ly/bnERKZ>.

<sup>3</sup> *See* <http://bit.ly/dudKuH>.

Sacred Earth Advocacy Network