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# B. Babbitt added to Snowbowl legal team

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ADVANCE FOR WEEKEND SEPT. 11-12--Interior Secretary Bruce Babbitt gestures during an interview in his office at the Interior Department in Washington Monday Aug. 23, 1999. Babbitt is a frequent visitor to his native West, where any effort on his part to bring consensus on environmental issues are often met with deep skepticism, if not outright derision.

Arizona Snowbowl has lined up big-name lawyers and petitioned to join the U.S. Forest Service in defending the agency's decision to allow snowmaking with reclaimed wastewater.

Former governor and Interior secretary Bruce Babbitt and former Department of Justice attorney Janice Schneider will be helping Snowbowl and the Forest Service defend the case for snowmaking on the Peaks if Judge Paul Rosenblatt allows.

Babbitt, an attorney who was raised in Flagstaff with his four brothers, has been Snowbowl's supporter and consultant for three years in calling for snowmaking there to keep the ski business alive amid inconsistent ski seasons.

But several years earlier, he sided with the tribes on other Peaks issues as secretary of the Interior Department, namely the decision to close the White Vulcan Mine.

The pumice from the mine, operated by Arizona Tufflite Corporation, was used to make stone-washed blue jeans. Five years ago, Babbitt said the mine's operations "scarred the landscape of the San Francisco Peaks." He's on video saying the Peaks are a religious site to the tribes.

Now tribes and environmental groups have made the same arguments as Babbitt in opposing snowmaking at the Snowbowl, but this time Babbitt, a former water lobbyist and presidential candidate, is not on their side.

He and Schneider, who worked for the Department of Justice's wildlife and marine resources division, have each paid fees to enter the lawsuit and help the Forest Service, according to court documents. Schneider confirmed they were the only two attorneys acting directly on Snowbowl's behalf.

Their motion to join the case came a day before the Sierra Club named the Peaks its top priority for conservation in the state (see related short story).

Babbitt is working for a Phoenix law firm, Schneider for one in D.C.

Rosenblatt will hear arguments Wednesday on their petition to join the lawsuit.

Howard Shanker, attorney for the plaintiffs, will argue that Schneider and Babbitt have no place in the lawsuit because they don't directly represent the Forest Service or anyone else being sued, he said.

But the Snowbowl clearly has an interest in the case. Schneider and Babbitt would help the Forest Service build a defense, possibly adding or gathering information, if their petition to intervene is granted.

The Navajo Nation, Sierra Club, White Mountain Apache Nation,

Yavapai-Apache Nation, Center for Biological Diversity and Flagstaff Activist Network are plaintiffs in the lawsuit.

A medicine man and the Hualapai Tribe have also sued, and the Hopi Tribe had previously announced plans to sue over the snowmaking and upgrade proposal.

Action that would merge all the plaintiffs' suits into the same case is forthcoming, as is a decision on whether to delay construction at Snowbowl while the lawsuit is in court.

The Snowbowl can begin clearing trees for new ski trails after July 18, barring an injunction.