

RIVER RUNNERS FOR WILDERNESS

A PROJECT OF LIVING Rivers

September 3, 2016

Tom Platero
Executive Director,
Office of Legislative Services
PO Box 3390
Window Rock, Navajo Nation,
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Secretary of the Interior
The Honorable Sally Jewell
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Dear Mr. Platero,

Please accept the following **supplemental** comments for Navajo Nation legislation number 0293-16, titled:

An Action Relating to Law And Order, Resources And Development, Budget And Finance, And Naabik'iyati Committees And Navajo Nation Council; Approving The Master Agreement For The Development Of The Grand Canyon Escalade Project; Approving The Funding Application Of Sixty Five Million Dollars (\$65,000,000) For The Development Of The Off site Infrastructure To The Grand Canyon Escalade Project; Authorizing The Navajo Nation Hospitality Enterprise To Enter Into A Development And Operating Agreement; Accepting The Approval Of The Withdrawal Of Land In The Bodaway/Gap Chapter; Approving A Covenant Not To Compete; Waiving Certain Provisions Of 7 N.N.C. §§ 1101-1118

As you are aware, this proposal is being put forward by Arizona-based developer Lamar Whitmer. He has offered to construct a tramway to the bottom of the Grand Canyon at the far southern end of Marble Canyon at the Confluence of the Colorado and Little Colorado rivers. Mr. Whitmer's proposed construction would occur in Grand Canyon on land of the Navajo Nation immediately adjacent to lands in Grand Canyon administered by Grand Canyon National Park.

Since 2002, River Runners for Wilderness (RRFW) has represented a broad spectrum of river runners, wilderness lovers, and American citizens who care about the wilderness river resources in the Colorado River watershed. Our members, now numbering over two thousand with outreach to over 20,000 whitewater enthusiasts, continue to have a deep concern for the future of the wilderness values of the Colorado River watershed and the management of these landscapes.

Our **supplemental** comments are as follows:

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- 1) Clearly there is broad public support for the purposes of protection, interpretation, visitation and local economic benefit to the region of the Navajo Nation encompassed by the existing Marble Canyon and Little Colorado River Tribal Parks. A limited focus project for profit benefiting off-reservation developers should not be rushed or forced to approval but requires substantive evaluation. Once this evaluation is complete, a plan can be formulated by the Navajo Nation to accomplish the purposes of protection, interpretation visitation and local economic benefit for the region.

Before the Navajo Nation takes up the legislation proposed by Confluence Partners LLC, we urge the Council to authorize an environmental and economic impact statement to survey the existing Marble Canyon and Little Colorado River Tribal Parks.

This study would be conducted to evaluate how to best facilitate protection, visitation, interpretation and local Navajo economic benefit.

The purpose of the study would be to review the impact of the proposed LLC project as well as other proposals that would accomplish the above purposes.

This study would be carried out by appropriate Navajo Nation agencies with the participation of other affected First Nations.

In addition, under Sec 6 of the 1975 Grand Canyon Enlargement Act, the Navajo Nation can request the cooperation and assistance of the Secretary of Interior in providing study resources including funding and planning resources.

This study would include impacts on existing residents and users, road and access routes, potential locations for visitation facilities within and bordering these two tribal parks, as well as a detailed evaluation of the environmental and economic effects of all proposal.

This environmental impact study should be undertaken before the Navajo Nation Tribal Council takes up any consideration of the Confluence Partners LLC proposal. The legislation proposed by the Confluence Partners LLC should be set aside.

The above study should be completed and reported for review within one year to the Navajo Nation, the Tribal Council and impacted Chapters, along with other affected First Nations. As stated above, once this evaluation is complete, a plan can be formulated by the Navajo Nation to accomplish the purposes of protection, interpretation visitation and local economic benefit for the region.

- 2) Page 73 of the proposed legislation mentions a 4,000 square foot restroom at the bottom of the tramway at the Confluence (legislative packet pg. 73). River runners who visit this area are required to carry out all solid waste by Grand Canyon National Park regulation. ("It is the responsibility of each boat party to remove its solid human waste from the canyon." Noncommercial River Trip Regulations, Section C, Pg. 16, Revised Oct 26, 2015)

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The legislative packet notes that solid waste generated will be containerized (and removed one assumes) but that liquid “Wastewater treatment will be by means of a containerized, packaged bioreactor system that treats wastewater producing reclaimed water that can be used for landscape watering, eliminating problems with groundwater contamination associated with traditional septic systems or the excavation and disturbance of building a conventional wastewater treatment plant.” (Legislative packet pg. 31, Construction 4. Page 15).

The typical human bladder discharges 300ml of fluid at one time (https://en.wikipedia.org/wiki/Urinary_bladder). The tramway proposal estimates a target of 1,800,000 annual visitors (Legislative packet pg. 45, Executive Summary pg. 7). Construction design would need to ensure the ability to handle that number of restroom users. That is the equivalent of 1,426,000 gallons of urine effluent a year, or 3,900 gallons a day of urine effluent. That’s a lot of “landscape watering.” The proposal does not say what sort of landscaping the developer intends to do around the buildings, since the buildings are on concrete pillars. Clearly, the existing desert vegetation does not require that much liquid, even in the form of rainwater. Very few other plant species, including vegetation from the wettest spots on the planet, can tolerate that sort of effluent watering. Hence, the effluent would need to be discharged into the adjacent Colorado River.

This is problematic as the 1934 Navajo Nation Act identifies the Navajo boundary as being where the land ends on the river bank, not in the middle of the river. If the effluent discharge were somehow allowed to flow into Grand Canyon National Park, this concentrated effluent, along with the pharmaceuticals such liquids contain, would immediately flow into one of the last refuges of the endangered humpback chub at the confluence of the Little Colorado and Main Colorado rivers.

- 3) The developer of this tramway scheme has based annual visitation figures on growth of helicopter and land based tours for the Hualapai Nation. The legislative packet makes no mention of the Federal Aviation Administration hardship waivers that were approved for the Hualapai Nation. These waivers allow for uncontrolled growth of tour helicopter and fixed-wing aircraft flights.

The Navajo Nation has 27 times the land base and 300 times the population of the Hualapai Nation. Claiming a hardship based on the population geographical size of the Navajo Nation would be harder to do. Without those waivers, the growth of visitation to Grand Canyon West would certainly not be what we see today.

Given that these FAA waivers might not be forthcoming to the Navajo Nation, the visitation numbers coming to the proposed tramway development on the may be greatly overestimated.

- 4) Typically, a project of this magnitude and importance would receive the greatest level of Navajo Nation environmental, archeological and cultural compliance scrutiny. The Navajo Nation offices that normally provide this expertise will not be allowed to do this

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important work. In this case, the compliance work will be done by a contractor chosen by the developer. (Legislative packet pg. 29, Executive Summary pg. 13)

Page 230 of the legislation, titled **CONDITIONAL USE PERMIT FOR PROJECT AREA BY AND BETWEEN THE NAVAJO NATION AND CONFLUENCE PARTNERS** notes "it is CP who is charged with the responsibility to conduct the necessary studies to complete the environmental, cultural and archeological clearances". "CP" is the developer of this project. One assumes it is not standard practice on the Navajo Nation to allow an outside developer to conduct their own environmental, cultural and archeological clearances for their own project.

This proposal should be no different, especially given that the proposed development is just 100 yards uphill from the last habitat refuge of the endangered humpback chub. This alone should provide enough of an injustice to the Navajo Nation to not pass this legislation.

We would like to take this opportunity to repeat that the Navajo Nation Tribal Council has before them the opportunity to heal the wounds of this ill-conceived legislation by recognizing the earlier good work of prior Navajo Nation Tribal Councils. Navajo Nation elders have already worked to preserve the Marble Escarpment by proclaiming both Marble Canyon and Little Colorado River Tribal Parks. Their work to preserve this part of the Grand Canyon stands as a testament today to the high regard the Navajo Nation has for the Grand Canyon.

There clearly are other options for economic development in Western Navajo, as well as protecting the sacred landscape of the Grand Canyon. River Runners For Wilderness encourages you to embrace these exciting economic opportunities for Western Navajo. These opportunities include the use of the 1975 Grand Canyon Enlargement Act to care for the entire Grand Canyon and protect it from inappropriate development while at the same time allowing for real and sustainable economic development for this important region of the great Navajo Nation.

Sincerely Yours,



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