

# WILDERNESS MANAGEMENT PLAN FOR GRAND CANYON NATIONAL PARK AND THE COLORADO RIVER

R. Bryant McCulley

Master of Environmental Studies

The Graduate School of Environmental Studies

[The University of Strathclyde](#)

Glasgow, Scotland

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## Chapter One: Introduction

*“How great are the advantages of solitude!-How sublime is the silence of nature’s ever-active energies! There is something in the very name of wilderness, which charms the ear, and soothes the spirit of man. There is religion in it.”*

~ Estwick Evans, 1818

The idea of ‘wilderness’ has been a part of the American mindset since the first settlers came to the New World. These settlers encountered a world of vast forests and threatening rivers, and it is no surprise that William Bradford stepped off the *Mayflower* into a self-described “hideous and desolate wilderness”<sup>1</sup> But as America grew, and wilderness areas began to diminish, a new appreciation surfaced for wild places. Henry David Thoreau’s 1854 novel, *Walden*, epitomizes this change in the way Americans perceived their natural world. Thoreau reminded Americans of their essential need to experience nature on its own terms, and the invaluable lessons that come through wilderness preservation:

“We can never have enough of Nature. We must be refreshed by the sight of inexhaustible vigor, vast and titanic features, the sea-coast with its wrecks, the wilderness with its living and its decaying trees, the thunder cloud, and the rain which lasts three weeks and produces freshets. We need to witness our own limits transgressed, and some life pasturing freely where we never wander.”<sup>2</sup>

Thoreau speaks of preserving wilderness not for economic or recreational uses, but for its importance as an intangible and spiritual resource. Almost a century and a half has passed since Thoreau’s call for wilderness preservation, and yet the United States continues to blindly destroy its most precious resources. Unrestrained development and conflicting government management policies increasingly threaten the last of the true American wilderness.

Grand Canyon National Park (GCNP)<sup>3</sup>, perhaps the greatest of America’s wild places, is slowly losing its battle against these threats. Congress established GCNP in 1919 to protect its natural beauty, and to provide a park for the “benefit and enjoyment of the people.”<sup>4</sup> Today GCNP receives close to five million visitors each year - a far cry from the annual visitation of 44,173, which the park first received in 1919.<sup>5</sup> Grand Canyon became a national park in order to give it

the best protection the federal government can provide. However, the reality is that the Grand Canyon is not receiving adequate wilderness protection in accordance with federal law. As a result, the Grand Canyon is losing the wilderness qualities for which it was initially protected. In order to examine the health of the Grand Canyon, one must first look to its sculptor: the Colorado River. The Colorado River flows 255 miles through the Grand Canyon, creating one of the world's greatest multi-day wilderness river experiences. Since Major John Wesley Powell's first Grand Canyon river trip in 1869, Americans have come to the Grand Canyon to test their skills and experience its profound solitude. Unfortunately, a true wilderness experience is no longer available on America's greatest river. A conflicting history of management by the National Park Service (NPS) has allowed commercial river outfitters to grow beyond their legal means. Motorized rafts and helicopter exchanges now dominate the river's natural quiet, and private boater's must wait 26 years to reach the put-in of this majestic run.

The NPS is now confronting these problems through the creation of a *Draft Wilderness Management Plan* (DWMP) for the Colorado River and the wilderness areas of GCNP. This paper will argue that the backcountry, including the Colorado River, of Grand Canyon National Park should receive full Federal Wilderness designation under the guidelines set forth in the Wilderness and Organic Acts. In particular, this paper will concentrate on the major issues effecting the wilderness experience on the Colorado River. Chapter Two introduces the relevant legislation and NPS policies which govern GCNP. Chapter Three traces the confused management history of GCNP in order to draw out the current problems that are degrading the wilderness river experience. These issues are further analyzed in Chapter Five, which relies upon personal interviews to strike to the heart of the wilderness debate. Chapter Six concludes the essay, making specific recommendations to preserve the wilderness of Grand Canyon.

## Footnotes

1. Bradford, William. (1952) *Of Plymouth Plantation, 1620-1647*, p. 62.
2. Thoreau, Henry David. (1960) *Walden and Civil Disobedience*, p. 217
3. See Appendix I for a list of common abbreviations used in this paper.
4. 40 Stat 1175
5. GCNP Home Page: <http://www.thecanyon.com/nps/>

## Chapter Two: The Relevant Legislation

*"If future generations are to remember us with gratitude rather than contempt we must leave them more than the miracles of technology. We must leave them a glimpse of the world as it was in the beginning, not just after we got through with it."*

~ President Lyndon Johnson,  
signing the 1964 Wilderness Act

### Introduction

This chapter examines the statutory framework for Grand Canyon National Park (GCNP). To understand the management of GCNP, one must also examine the National Park Service (NPS) and its role within the Department of the Interior (DOI). The following pieces of legislation directly effect both the formation and the current management of GCNP. As the wilderness

debate continues to fester, these federal statutes are critical in determining the legal basis for management of GCNP and the Colorado River.

## General Statutes

### The Organic Act

The 1916 National Park Service Organic Act created the National Park Service within the Department of the Interior. The NPS was established to:

promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified, ...by such means and measures as conform to the[r] purpose...to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations.<sup>6</sup>

This mission statement provides an eloquent goal for the National Park Service, and has been the guiding principle in the management of national parks. The Organic Act demands that the NPS “conserve” national parks in a manner that leaves them “unimpaired for the enjoyment of future generations”. In short, the Park Service is given the extremely difficult task of providing public access while continuing to preserve natural resources. By 1970 the Park Service was struggling to manage a Park system that included a variety of designated lands including historical parks, national parks, scenic rivers, and recreation areas. Each of these designations involves a specific piece of enabling legislation that includes separate management provisions and criteria for each unit. Some units’ enabling legislation, including the Grand Canyon National Park Establishment Act<sup>7</sup>, included special provisions that permitted consumptive activities such as mineral exploration and development<sup>8</sup>. Since the Park Service was bound to manage units in accordance with both their enabling legislation and the Organic Act, conflicts arose between conservation and proscriptive uses. In 1970, and again in 1978, Congress amended the Organic Act to clarify its role in determining management policy. The 1970 amendment is commonly referred to as the “single system” amendment and reiterates the ultimate role of the Organic Act in determining a general policy of management for the entire Park system<sup>9</sup>. The 1978 amendment further strengthened the ability of the Secretary of the Interior to protect park resources:

The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided for by Congress.<sup>10</sup>

This final amendment to the Organic Act recognizes the importance of Congressional intent for each park as expressed in the enabling legislation, but also allows the Secretary of the Interior great flexibility in management decisions that are not expressly dealt with by Congress.

### The Wilderness Act

The 1964 Wilderness Act gave Congress the authority to designate public lands “Wilderness” as part of a new National Wilderness Preservation System. The Wilderness Act was established:

In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify, all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of

wilderness...these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness.<sup>11</sup> This policy statement was shaped by the environmental ethics of American writers like Henry David Thoreau, Aldo Leopold, and John Muir and marks a drastic change in the American preservation movement. The Wilderness Act expressed an offensive system that supported “the theoretical value of wilderness in the abstract, not on a local economic system”.<sup>12</sup> This change did not come easy, and Congress spent more time and effort on the wilderness bill than any other measure in American conservation history.<sup>13</sup> The result was a unique piece of legislation that included both a philosophical and a legal definition for wilderness:

An area of wilderness...(1) generally appears to have been affected primarily by the forces of nature, with the imprint of man’s work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition;...<sup>14</sup>

It was with this holistic definition that the Secretary of the Interior was instructed to review all roadless areas of at least 5,000 acres in the national park system, and to submit a report to Congress regarding the suitability of these areas for wilderness classification. This review identified GCNP as an area of potential wilderness, and thus the Wilderness Act has played a major role in the management of GCNP for the last thirty-five years. This management history will be analyzed in Chapter Three, but first further attention must be given to legislation that directly affects GCNP.

## **The National Environmental Policy Act**

The National Environmental Policy Act (NEPA), established in 1969, declared a national policy to:

“encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.”<sup>15</sup>

NEPA creates a federal framework for environmentally responsible decision by demanding that the different branches of government take the environment into consideration before making any policies. The most visible NEPA requirements are Environmental Assessments (EAs) and Environmental Impact Statements (EISs), which assess the environmental impact of proposed policies. GCNP must fully comply with NEPA in all of its management practices. This means that any proposed management plan must include a full EIS that takes into consideration the environmental impact of the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, and possible alternatives to the proposed action (including no action).<sup>16</sup> The Park Service is acutely aware of its statutory duties for responsible decision-making as set forth by NEPA, and GCNP continues to work towards meeting these requirements as the Draft Wilderness Management Plan progresses.

## **Enabling and Specific Legislation**

### **The Grand Canyon National Park Establishment Act**

On February 26, 1919 the Grand Canyon National Park Establishment Act converted Grand Canyon National Monument to Grand Canyon National Park due to its great natural signifi-

cance. This enabling legislation set forth the boundary of the Park that was established “for the benefit and enjoyment of the people”.<sup>17</sup> The Act also directed the competitive bidding for concessions, and permitted mineral exploration and development within the Park. This initial Grand Canyon legislation did not include specific management policies for recreational uses of the Park. However, several acts of Congress have added additional policies to and requirements for managing Grand Canyon’s natural resources beyond those embodied in the Organic Act and the Grand Canyon National Park Establishment Act. These statutes are critical for the Department of the Interior because they provide Congressional guidance for the management of the ever-changing demands placed on the Park system.

### **The Grand Canyon Enlargement Act**

The 1975 Grand Canyon Enlargement Act (GCEA) was passed to recognize the need for the “further protection and interpretation of Grand Canyon in accordance with its true significance.”<sup>18</sup> The GCEA combined Marble Canyon and Grand Canyon national monuments with existing Grand Canyon National Park to “further protect the outstanding scenic, natural, and scientific values of the Grand Canyon.”<sup>19</sup> Through this legislation Congress established a new emphasis for wilderness in the Grand Canyon by expanding the Park to 1.2 million acres and requiring the Secretary of the Interior to submit within two years a new wilderness recommendation including the enlarged GCNP.<sup>20</sup> The GCEA, like most pieces of environmental legislation, resulted from direct threats to the environment. Congress recognized the harmful effects of grazing rights and aircraft traffic on the Park, and took specific action to remedy these problems. The GCEA allowed for the continuation of grazing rights for either ten years or the life of the leaseholder, and empowered the Secretary of the Interior to control aircraft traffic to protect the Park’s natural quiet.<sup>21</sup>

### **The National Parks Overflights Act**

The GCEA strengthened the role of the Secretary of the Interior in managing the airspace of GCNP, but this legislation was not effective in decreasing the aircraft noise in the Park. As a result, Congress passed the 1987 National Parks Overflights Act in direct response to Grand Canyon flights which were “causing a significant adverse effect on the natural quiet and experience of the park and protection of public health and safety from adverse effects associated with aircraft overflights.”<sup>22</sup> In 1987, there were close to 50,000 air tours in GCNP: The National Park Overflights Act required the Federal Aviation Administration (FAA) and the NPS to “substantially restore the natural quiet” by creating no-fly zones and other restrictions on these air tours.<sup>23</sup> This legislation reinforces the commitment of the Wilderness Act to preserve areas offering outstanding areas for solitude, and highlights the importance of protecting the pristine environment of GCNP.

## **National Park Service Regulations**

### **The 1988 National Park Service Management Policies**

The general statutes governing the park system are quite vague concerning how the NPS is to implement Congressional policies: even Grand Canyon’s enabling legislation and subsequent specific statutes are silent on the specific management practices that should be used to protect the Park’s resources. Thus, the Park Service is left largely on its own to implement regulations that specify how to properly manage the Park system. This authority stems from the Organic Act which states that “The Secretary of the Interior shall make and publish such rules and regulations

as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under jurisdiction of the National Park Service.”<sup>24</sup> The primary source of guidance for the NPS is contained in the publication *Management Policies*, last published in 1988. The 1988 Management Policies includes separate chapters on wilderness preservation and management, use of the parks, and concessions management that continue to direct the Park’s stance on the major issues effecting GCNP. Chapter Three will analyze the history of these management issues, with particular attention given to wilderness designation and the Colorado River.

## Footnotes

6. 16 U.S.C. 1 et seq. (1988)
7. 40 Stat 1175
8. Mantell, M.A. and P.C. Metzgar.(1990) *Introduction to the National Park Service Organic Act*.
9. General Authorities Act, 16 USC 1a-1 (1988)
10. This amendment resulted from a suit brought against the NPS for failing to protect resources in Redwood National Park. In *Sierra Club v Department of the Interior*, 376 F. Supp. 90 (N.D. Cal. 1974) the Court ruled that the NPS had not taken appropriate actions to protect Redwood National Park, and as a result the NPS asked Congress for help in taking action. The result was the 1978 amendment to the Organic Act or the Redwood National Park Expansion Act, Sec. 101(b), PL 95-250.
11. PL 88-577, 78 Stat 890 as amended; 16 USC 1131(note), Sec 2a
12. Nash, Roderick. (1982) *Wilderness and the American Mind*, p. 222.
13. From June 1957 until May 1964 there were nine separate hearings on the proposal, and the bill itself was modified and rewritten or resubmitted sixty-six different times (Nash, 222).
14. PL 88-577, 78 Stat 890 as amended; 16 USC 1131(note), Sec 2c
15. PL 91-190, 42 USC § 4321, Sec. 2
16. 42 USC § 4332, Sec. 102c
17. 40 Stat 1175
18. 16 USC 228A (note), 88 Stat 2089
19. 16 USC 228A (note), 88 Stat 2089
20. Amendment to the Grand Canyon Enlargement Act, June 10, 1974 (PL 94-31)
21. Grazing rights were terminated in 1985 in GCNP. The *1997 GCNP Resource Management Plan*.
22. PL 91-100
23. PL 91-100
24. 16 USC 3

## Chapter Three: The Problems-A History of Mis-Management

*“It isn’t a wilderness trip, it’s a carnival-style thrill ride.”  
~ Grand Canyon River Guide Ken Sleight, March 1979*

## Introduction

This Chapter will provide a background to the management issues in GCNP involving the Colorado River and its designation as a wilderness area. This analysis will follow the chronological order of management at GCNP to show how the legislation discussed in Chapter Two has effected the system. The history of GCNP involves a great deal of controversy and political influence, and it is important to understand this past before making policy recommendations for the future.

## Moving Towards Wilderness

### 1964-1973

The 1964 Wilderness Act established every roadless area greater than 5,000 acres within existing NPS units as a wilderness study area. It was not until 1970, however, that GCNP commenced its own wilderness inventory process. Two different draft recommendations, based on public consultation as required by NEPA, were prepared between 1970 and 1973. In the initial 1970 Wilderness Study the NPS found that that “the desired river experience is felt to be a slow float trip in small parties without power. Management direction is to eliminate the motors from the river.”<sup>25</sup> Another *Preliminary Grand Canyon Complex Wilderness Study* was announced in 1971, and additional public consultation took place through May of 1971.<sup>26</sup> During these hearings the Colorado River corridor was recognized to be an important issue, and the Hearing Officer reported that public desire was not being provided by the current management practices of the NPS which allowed the use of motorized rafts within the Park. For this reason the study concluded that: “the plan for the continued use of motors precludes wilderness classification for the river itself.”<sup>27</sup> This decision stems from the Wilderness Act which states that motorboats are not permitted in wilderness areas unless they “have already become established”<sup>28</sup>, and the 1971 NPS policy which states that “where other uses have impaired wilderness values, the national parks and monuments are managed to restore the wilderness character of these areas by removal of adverse uses.”<sup>29</sup> Thus, the Colorado River was excluded from the NPS Wilderness recommendation that was forwarded to Congress by President Nixon on September 21, 1972.<sup>30</sup>

During this time of public consultation concerning wilderness in Grand Canyon, the Colorado River was becoming increasingly threatened by exponential increases in visitation. “After the 1972 season when an astonishing 16,432 persons floated through the Grand Canyon, the National Park Service realized it had a problem on its hands as potentially damaging to the wilderness qualities of the place as dams and reservoirs.”<sup>31</sup> To confront these problems the NPS adopted a plan to control the use of the river and its adjacent lands. The 1972 Colorado River Management Plan (CRMP) called for the freezing of commercial user days at current levels,<sup>32</sup> and that the “use of motors on these [river] trips will be phased out by 1977, and the river will be proposed for wilderness status.”<sup>33</sup> This action removed the basis for prior exclusion of the river from the 1972 NPS Wilderness recommendation, but political realities would prevent this from occurring.

## The First Wilderness “Threat”

### 1973-1975

The 1972 CRMP posed a direct threat to commercial outfitters because it created a finite plan to limit the use of motors in GCNP. The outfitters were vehemently opposed to losing the motors that enabled them to greatly increase their income by using “big-rigs” that take extremely large groups down the river in half the time taken by oar powered rigs.<sup>34</sup> Therefore, the Park Service’s

recommendation to phase out motorized watercraft used by 80 percent of river travelers was a direct threat to the profits of commercial outfitters.<sup>35</sup> The outfitters immediately responded by bringing a suit against the Park Service alleging the decision to eliminate motors was arbitrary and capricious.<sup>36</sup> This suit, which was unsuccessful, was combined with a direct political push by the Utah Congressional delegation that reflected the interests of the commercial river companies. When hearings on Senate bill 1296 that provided for the enlargement of the Grand Canyon commenced on June 20, 1973 both the Interior Secretary and the NPS made requests that the Colorado River be included as an additional 4500 acres of “potential wilderness.”<sup>37</sup> NPS Director Ronald Walker requested this provision because motorized rafts were scheduled to be phased out of Grand Canyon, and the NPS had “no input” into Senate bill 1296.<sup>38</sup> This recommendation went unanswered in the heated arguments put forth by the Utah delegation. The vocal protests of the Utah delegation proved to be more successful than the outfitter’s legal argument in their lawsuit against the NPS: when the Committee Report for S 1296 was filed on September 21, 1973 the wilderness provision had been completely dropped. This political victory had a direct impact on the management policy of the NPS. Just one month after the wilderness provision was dropped in the Senate, NPS Western Regional Director Howard Chapman announced deferment of the decision to eliminate motors, and that the current use and allocation of river permits would be maintained until further studies could be completed.

## **The GCEA: A New Process for Wilderness 1975-1980**

The Grand Canyon Enlargement Act finally became law in 1975. Since the GCEA’s wilderness language in bill S 1296 had been dropped by the Committee, an amendment was included that called for the Secretary of the Interior to study all areas suitable for wilderness designation and to submit a report on these areas within two years.<sup>39</sup> Thus, another process of public consultation began concerning wilderness status for the Grand Canyon. The NPS collected comments from a total of 23 federal agencies, 17 state agencies, 3 Indian tribes, 39 organizations, 24 companies, and 501 individuals.<sup>40</sup> These comments revealed that the majority of groups and individuals strongly favored wilderness designation for the Grand Canyon and the Colorado River, including the elimination of motorized rafts.<sup>41</sup> This public consultation process culminated with the 1977 *Final Wilderness Recommendation* calling for the immediate designation of over one million acres within the Grand Canyon, including the Colorado River. This Recommendation was forwarded to Congress where the Legislative Counsel decided to hold this proposal until completion of the current revision of the CRMP.

The GCEA gave new strength to the CRMP, which had lain dormant since the 1973 decision to conduct new studies on the suitability of motors. Another public consultation process began to take comments on the management of the river, and comments were collected from 365 individuals and over 100 organizations. As a result, a *Draft Environmental Statement-Proposed Colorado River Management Plan* was released for public comment in January of 1978. This Plan called for the elimination of motors and additional public comment revealed that 54% of the respondents were in favor of eliminating motorized trips.<sup>42</sup> These comments led to the release of the final Environmental Impact Statement (EIS) in July of 1979. This document called for the phase out of motorized rafts over a five-year period, and concluded that the banning of motors would cause so significant financial impacts on the customer or the outfitters.<sup>43</sup> The 1980 Colorado River Management Plan, including the EIS, was signed on December 20, 1979 by Grand Canyon Park Superintendent Merle Stitt, NPS Western Regional Director Howard Chapman, and NPS Direc-

tor William J. Whalen. This action should have initiated a five-year plan to phase out motors on the Colorado River.

## The Fight for Motors: A Lesson in Politics

The release of the 1980 CRMP prompted a firestorm of action by the outfitters and their political supporters in Congress. The outfitters reorganized themselves into the Professional River Outfitters Association (PROA) to promote a unified political voice for the river concessionaires. The PROA mounted a national campaign to convince Americans that motors were needed in the Grand Canyon.<sup>44</sup> “The motor outfitters’ lobby attempted to sidestep the wilderness issue by arguing, correctly, that no portion of the Colorado River in the Grand Canyon was designated wilderness under the 1964 Wilderness Act.”<sup>45</sup> But while the Wilderness Act did not specifically designate the Colorado River in the Grand Canyon a wilderness area, it did signal congressional intent to study this area for wilderness designation. This intent was recognized by the NPS who has a statutory duty to manage its lands in accordance with federal policy. Since Congress had not yet acted on the Wilderness Recommendation for the Grand Canyon, the NPS developed policies to ensure that the intent of Congress to establish a National Wilderness Preservation System was not subverted.<sup>46</sup> The 1978 *NPS Management Policies* states that “roadless study areas subject to review for wilderness designation will be protected from activities which would endanger or alter their natural, primitive character until administrative study or the legislative process determines their suitability for wilderness designation.” In addition, the policies emphasize that “these guidelines relate specifically to park wilderness or to park areas that have been studied and recommended for wilderness designation.”<sup>47</sup> The 1980 Wilderness Recommendation for GCNP correctly followed these management guidelines, as well as considering an extensive NEPA process of public consultation. However, the decision to eliminate motors meant that a new level of scrutiny fell upon the NPS. The wilderness debate concerning Grand Canyon quickly spread from an internal Park Service issue to a national political struggle.

The outfitters were enraged by the will of the NPS to preserve wilderness suitability for the Grand Canyon, and mounted a political push for legislative action to change the scheduled moratorium of motors. Arizona Congressman “Bob” Stump (R-AZ) agreed with the outfitters’ position, and introduced a bill to prohibit the Park Service from reducing the number of commercialized motorized trip user days to less than 1978 levels.<sup>48</sup> Stump’s bill was unsuccessful, and never received a hearing from the House Committee on Interior and Insular Affairs. This initial failure only increased the will of the PROA, and they enlarged their fight by joining forces with the Mountain States Legal Foundation (MSLF). The MSLF was established by Adolph Coors, the famous western beer magnate, as a public interest law center to promote individual rights. The MSLF, led by its chief legal officer and president James Watt, filed suit against the Director of the NPS and the Secretary of the Interior alleging that:

the NPS implemented an arbitrary, elitist policy in the Grand Canyon National Park, without environmental justification, which will deprive the public its right to use and enjoy this park in an ecologically safe, reasonably accessible manner.<sup>49</sup>

MSLF, on behalf of the river outfitters in Grand Canyon, sought three claims for relief from the Court: “that the actions of the Director and the Secretary in implementing the motor ban were arbitrary, capricious and an abuse of discretion”; that “the decision-making process that led to the motor ban was not a good faith, objective attempt to examine the competing factors and alternatives”; and that the “defendants exceeded their authority and unilaterally created a wilderness area without Congressional approval and without following proper statutory procedures.”<sup>50</sup> These assertions form the core arguments for allowing motors in GCNP: arguments which were unsus-

cessful in the *MSLF vs. Whalen* case which was dismissed without prejudice on July 16, 1981. During the MSLF case the outfitters were busy lobbying Congress about the unfair provisions of the 1980 CRMP. Responding to these complaints, Arizona Senator Deconcini (D-AZ) organized a meeting between the NPS and the outfitters to discuss possible alterations to the CRMP. The outfitters were represented by Gaylord Staveley and Fred Burke, two vocal leaders of the PROA. Burke and Staveley, along with representatives from the Arizona Congressional delegation, focused the discussion around basing user days on 1979 levels and the need to give motorized companies additional user days to offset potential profit losses from their conversion to rowing.<sup>51</sup> This “potential solution” provided for a 12% economic increase for motorized outfitters over 1979 levels, while providing no compensation for non-motorized outfitters. Staveley felt that this meeting was “very solid and productive”, and sent a summary of the meeting to all river concessionaires that did not attend.<sup>52</sup> It was therefore quite shocking for Staveley to receive a letter from NPS Western Regional Director Howard Chapman stating that at least a third of river concessionaires disagreed with the PROA proposal. “Chapman also informed Staveley that, according to the Department of Interior Solicitor’s Office, any implementation of their suggestions without a full public review would violate NEPA standards.”<sup>53</sup> For these reasons the PROA proposal was rejected by the NPS, and the outfitters again returned to their political struggle.

## The Hatch Amendment 1980

The outfitters found a long-time friend in first term Senator Orrin Hatch (R-Utah). Senator Hatch’s father, Jesse, was a cousin of Bus Hatch, the founder of Hatch River Expeditions. Hatch River Expeditions is the oldest motorized rafting company in the Grand Canyon. Representatives from the outfitters telegraphed Senator Hatch on November 4, 1980 stating that motor elimination would have a negative economic impact on southern Utah and northern Arizona, and that the outfitters “urgently support your amendment to the Appropriation bill.”<sup>54</sup> On November 14, 1980 Senator Hatch brought Amendment *SU175* to the 1981 Interior Appropriations bill.<sup>55</sup> The Interior Appropriations bill provides the annual funding necessary to maintain the daily operations of the Department of the Interior. Amendment *SU175*, known as the “Hatch Amendment”, demanded the following:

None of the funds appropriated in this Act shall be used for the implementation of any management plan for the Colorado River within Grand Canyon National Park which reduces the number of user days or passenger-launches for commercial motorized watercraft excursions, for the preferred use period, from all current launch points below that which was available for the same period of use in the calendar year 1978.<sup>56</sup>

Senator Hatch defended his amendment on the Senate floor by arguing that the NPS was “jeopardizing the availability of the Canyon” by inflicting its non-motorized provision on the American public.<sup>57</sup> “Some Senators expressed concern that the amendment was inappropriate for this appropriations bill and that no hearings were held on this specific matter.”<sup>58</sup> This concern was placated by Senators on the Energy and Natural Resources Committee who promised that hearings on the issue would take place in the following year. Thus, the Hatch Amendment passed the Senate on a consent basis (no vote was taken) on November 17, 1980. American wilderness advocate Roderick Nash feels that the amendment “wiped out in minutes six years of planning and research into the nature of the wilderness experience in the Grand Canyon.” However, while the Hatch Amendment certainly had an immediate impact on the NPS, this legislation alone was not responsible for the forthcoming dramatic shift in NPS policy.

# James Watt, Secretary of the Interior 1981

On December 22, 1980 the newly elected Republican President Ronald Reagan offered the position of the Secretary of the Interior to James Watt, chief counsel of the MSLF. Watt, who was currently suing the NPS for banning motors in the *MSLF v. Whalen* case, accepted the nomination and began his confirmation hearings before the Senate. During the Committee hearing, Watt was questioned about the many suits MSLF had brought against the Department of the Interior, particularly the case involving the Grand Canyon. When Watt revealed that he was not fully aware who funded the MSLF, Senator John Seiberling (D-OH) informed Watt that the financial backers of the MSLF were “people whose primary interest in public lands is to exploit them for their own profit. Their idea of multiple land use is to have everything with any conceivable value developed, even if its primary value is wilderness.”<sup>60</sup> Additionally, during questioning on the Grand Canyon Senator Dale Bumpers (R-AZ) reminded the Committee that the Senate “had adopted only a one year postponement of the Park Service river management plan.”<sup>61</sup> While true in fact, this statement would ultimately prove false in reality. In January of 1981, James Watt was confirmed as the Secretary of the Interior—a decision that would have a major impact on the management of Grand Canyon National Park for the next twenty years.

Watt, a self-confessed “manager by profession”, began his federal career as a Nixon appointee to the Interior Department as Deputy Assistant Secretary for Water and Power Resources. When Watt became Secretary of the Interior he took a motorized trip through the Grand Canyon, and this experience reveals a great deal about his policy decisions:

The first day was spectacular... The second day started to get a little tedious, but the third day I wanted bigger motors to move that raft out. There is no way you could get me on an oar-powered raft on that river—I’ll guarantee you that. On the fourth day we were praying for helicopters, and they came.<sup>62</sup>

James Watt saw no benefit in multi-day wilderness trips, and did not wish to have this experience in GCNP. As a man who once remarked that, “I don’t like to paddle and I don’t like to walk”, Watt could not understand a National Park Service which sought to preserve the wilderness suitability of Grand Canyon through its management policies.<sup>63</sup>

Watt’s confirmation, along with the passage of the Hatch Amendment, sparked a drastic change in NPS policy. Although the Hatch Amendment was to apply only to the fiscal year 1981, the NPS approved a decision to have the 1980 CRMP revised to exclude the phase out of motors. This “revision” was released in 1981, and stood in stark contrast to the original CRMP. The 1981 CRMP failed to include the elimination of motors, the reduction of group sizes, and other actions that were critical to ensuring the wilderness suitability of GCNP. Since these “actions removed from the 1980 CRMP were essential provisions needed to protect park resources and assure a wilderness experience, this politically driven revision process, done in the absence of additional public involvement and an associated revision of the EIS was a clear violation of NEPA.”<sup>64</sup> While the legality of the 1981 CRMP has never been tested, its implementation has fostered a complex relationship of management problems that continue even today.

## Conclusion

The 1981 CRMP caused a significant change in the implementation of wilderness management policy at GCNP. A decade of public comment and wilderness study undertaken by the NPS calling for wilderness designation of GCNP and the Colorado River was suddenly reversed by the

leadership of James Watt. This dramatic change was reflected in correspondence by GCNP Superintendent Dick Marks, only days following Watt's confirmation, that not only would motors be allowed in GCNP, but that a new management policy was to take effect that would complicate the wilderness issue for years to come. Marks revealed that for purposes of river management use would be based upon user days, rather than for the "total number of people" method used in the 1980 CRMP.<sup>65</sup> This management decision set the preferred use season allocation for commercial outfitters at 105,500 user days, or roughly 70% of the total allocation. The institution of the "user-day" system immediately created a number of future problems for the NPS. First, the user day system provides outfitters with an economic motivation to provide motorized trips since motorized trips take half as long as oar-trips to float the Canyon, and therefore use only half as many user-days. Second, the 70% allocation to commercial outfitters set the management standard for the next twenty years. This inequity has translated into a twenty-year wait for a private boater wishing to paddle the Grand Canyon.<sup>66</sup> This access disparity between commercial outfitters and private boaters involves a range of complicated issues that have developed since 1981. A twenty-year history of motorized trips through the Grand Canyon has sparked a multi-million dollar rafting industry catering to short, mechanical trips that appeal to the busy lifestyle of modern Americans. This demand steadily increased human threats to the fragile landscape of GCNP, and in so doing reawakened the commitment of the NPS to preserve the wilderness suitability of its lands. In 1997, the NPS renewed their commitment to maintaining wilderness suitability for the Grand Canyon and the Colorado River with a revision of the CRMP-the first public evaluation of the Plan since 1981. This move has created a new interest in the wilderness designation of GCNP, and subsequently a new debate has begun about the proper management policies for the Colorado River. In analyzing this debate it is important to consider the history of management at GCNP, and to refer back to the statutory responsibilities of the NPS. Chapter Four will examine the most pressing issues effecting the current NPS process, and will make recommendations to correct a twenty year history of confused management at GCNP.

## Footnotes

25. As qtd in Hayes, Byron (1999) *Illegitimate Industry?-Motorized Rafting in the Grand Canyon*.
26. The *Draft Wilderness Management Plan*, Grand Canyon National Park, April 1998, p. c-1.
27. Wilderness Recommendation, 1972. Grand Canyon Complex, page 20. Included in *Additions to the National Wilderness System*, Communication from the President to Congress, Part 5, House Document 92-357, 9/21/72.
28. 16 USC § 1131 (note) Sec. 4d(1)
29. 1971 Grand Canyon Wilderness Study, *Wilderness Use and Management Policy*. Appendix, AA.
30. Hayes, Byron.(1999) *Illegitimate Industry?-Motorized Rafting in the Grand Canyon*. p. 2.
31. Nash, Roderick. (1982) *Wilderness and the American Mind*. p. 332.
32. The permit allocation system is based on "user-days". A user-day is each day a person spends on the river. Therefore, the faster the trip, the less user-days are expended.
33. GCNP, *Final Environmental Statement*. USDI 1973:16
34. A "big-rig" was three or more large rafts lashed together powered by motors. These rigs could carry over forty passengers and were very effective river runners due to their size and flexibility. An oar-powered trip takes an average of 14 days to raft the canyon while a motor driven rig takes only seven. *River Runners of the Grand Canyon*. Don Briggs, producer. VHF.

35. Nash, Roderick.(1982) *Wilderness and the American Mind*. p. 334.
36. *Western River Expeditions, Inc. v Sec. Of Interior*. C125-73. Utah, 10th District. This case was dismissed with prejudice on June 14, 1974. The case was appealed by the outfitters, but was dismissed by the Court of Appeals on April 18, 1974.
37. (93) S. 1296; U.S. Senate Subcommittee Hearing on Parks and Recreation, 6/20/73.
38. U.S. Senate Subcommittee Hearing on Parks and Recreation, 6/20/73. p 53.
39. PL 94-31
40. *Draft Wilderness Management Plan*, GCNP. April, 1998. p c-2.
41. *Final Environmental Statement*. FES 79-30-Proposed CRMP, July 31, 1979. p IX-1
42. *Final Environmental Statement*, FES 79-30-Proposed CRMP, July 31, 1979. p IX-7,8.
43. *Final Environmental Statement*, FES 79-30-Proposed CRMP, July 31, 1979. p III-23.
44. The Colorado River Outfitters Association (CROA) was established in 1971 to unify the outfitters during the initial public consultation process for wilderness designation. The PROA rejuvenated the CROA to confront the 1980 CRMP. The PROA exists today as the Grand Canyon River Outfitters Association (GCROA).
45. Nash, Roderick.(1982) *Wilderness and the American Mind*. p. 334.
46. Internal Issue and Policy Analysis: *The Protection of Wilderness Suitability and the Use of Motorized Rafts on the Colorado River Within Grand Canyon National Park*. October 5, 1998.
47. 1978 *NPS Management Policies*, Wilderness Preservation and Management, Chapter VI, page VI-2
48. 96 HR 5712. October 25, 1979.
49. *MSLF v. Whalen, et al.* US District Court (Phoenix): 2:CV-80-233PHX CLH, closed 07/16/81.
50. *MSLF v. Whalen, et al.* US District Court (Phoenix): 2:CV-80-233PHX CLH
51. Hayes, Byron.(1999) *Illegitimate Industry? Motorized Rafting in the Grand Canyon*. p 6.
52. Hayes, Byron.(1999) *Illegitimate Industry? Motorized Rafting in the Grand Canyon*. p 6.
53. Hayes, Byron.(1999) *Illegitimate Industry? Motorized Rafting in the Grand Canyon*. p 7.
54. Burke, Fred, et al. (1980) Northern Arizona University Special Collections, Manuscript #30, Western Union Mailgram confirmation dated 11/04/80.
55. 96 HR 7724
56. PL 96-514
57. *Congressional Record*, 11/14/80, p. S14467, col. 1
58. Hayes, Byron.(1999) *Illegitimate Industry? Motorized Rafting in the Grand Canyon*. p 8
59. Nash, Roderick (1982). *Wilderness and the American Mind*. p 335
60. *Congressional Quarterly*, 12/27/80 p. 3649
61. Senate Committee on Energy and Natural Resources, Publication #97-1, 1/7/81, p. 123.
62. Reed, Nathaniel P. 'Why Watt Must Go,' *Not Man Apart*, 11 (1981), p.10.
63. Reed, Nathaniel P., 'Why Watt Must Go,' *Not Man Apart*, 11 (1981), p.10.
64. *The Protection of Wilderness Suitability and the Use of Motorized Rafts on the Colorado River Within Grand Canyon National Park*.(1998) NPS Internal Policy Analysis. October 5, 1998. p 3
65. Northern Arizona University, Special Collections. Manuscript #30, 01/13/81, C3823-ARIZ
66. There are currently almost 7,000 names on the private waiting list. With only 250 private trips a year, this equates to a 27 year wait.

# Chapter Four: Methodology

*“The care of rivers is not a question of rivers, but of the human heart.”  
~ Tanaka Shozo*

Chapter Two analyzes the relevant legislation and NPS regulations that govern the management of GCNP. The majority of this analysis comes from federal legislation, which provides a congressional mandate for preserving the wilderness in Grand Canyon. Once Congress passes a piece of legislation declaring an area a National Park, the NPS becomes fully responsible for the proper management of all land within the park boundaries. The Organic Act states that the NPS is responsible for ensuring public access to national parks as long as visitation does not lead to the degradation of these resources. The Wilderness Act increases this burden of responsibility for the NPS, by demanding that the NPS manage potential wilderness areas with a greater degree of protection in order to preserve these wilderness qualities. Thus, the NPS has the legal power to restrict access to the Colorado River or take whatever actions are deemed necessary to preserve this special resource.

Chapter Three builds on this federal legislation, and reveals the reality of NPS management at GCNP. A critical text for this section is Roderick Nash’s *Wilderness and the American Mind*.<sup>67</sup> First published in 1967, this book is the definitive text on American wilderness issues. Nash provides an in-depth discussion of the management history of GCNP, and also reveals the role of complex political and court battles in shaping this history. Since very few other books have been written on this subject, this chapter draws heavily on personal papers, journals, and case law to piece together the main issues effecting GCNP. By placing these issues within a historical context, one can then make informed recommendations for solving them in the future.

The management history of GCNP reveals the influence of individual personalities and the current DWMP process shares this trait. A NPS Planning Team oversees the DWMP process, but a number of other groups and interested parties have a tremendous impact on the system. Since the DWMP is currently being developed by the NPS Planning Team, it is important to understand and analyze the arguments of all interested parties. Chapter Five analyzes the main issues involving wilderness designation through the use of structured interviews with the main players in the current DWMP. The purpose of these interviews was to gain the most current information available on the DWMP process. The interviews were semi-structured in order to increase the openness and personal reflection of the interviewees.<sup>68</sup> While some parties were more open to discussion than others, each interview revealed an important insight on wilderness designation for the Grand Canyon.

## Data Limitations

It should be noted that the Grand Canyon River Guides (GCRG), a non-profit organization of professional river guides and various other members, is noticeably absent from the list of interviewees. Unfortunately, Christa Sadler, President of GCRG, was unavailable during the time of these interviews. The GCRG is an important voice in the wilderness process, and professional river guides have a tremendous stake in the oars vs. motors controversy. While GCRG did not participate through a personal interview, their journal, the *Boatman’s Quarterly Review*, appears in citations throughout this work. Another essential source was *The Waiting List*, the journal of the Grand Canyon Private Boater’s Association (GCPBA). These journals, along with various other articles and web sites, compliment the interviews to provide a current and engaging analysis of the wilderness debate.

## Footnotes

67. Nash, Roderick. (1967) *Wilderness and the American Mind*

# Chapter Five: Analysis: The Current Issues

*“These temple destroyers, devotees of ravaging commercialism, seem to have a perfect contempt for Nature, and instead of lifting their eyes to the God of the Mountains, lift them to the Almighty Dollar.”*

*~ John Muir, 1912*

## Introduction

The 1997 NPS decision to revise the CRMP came as a response to growing problems with river access and resource protection issues. While the CRMP revision process was underway, the NPS announced that it was forming a *Grand Canyon Wilderness Management Plan* to “focus on providing the public sufficient access to proposed wilderness, the preservation of wilderness resources and values, personal safety, and resource protection.”<sup>62</sup> On June 1, 1998 GCNP released a *Draft Wilderness Management Plan* (DWMP) and EA for public comment. Not surprisingly, public comment on the DWMP mirrored concerns that were received in earlier requests for the CRMP. During both of these periods of public consultation “public concerns regarding the use of motors and the relationship of this plan [CRMP] to the [1977] Park Wilderness Recommendation and the ongoing development of the park’s first Wilderness Management Plan soon became a dominant issue”.<sup>70</sup> The NPS soon realized that it must face the most contentious issues involving wilderness designation for Grand Canyon, and in the spring of 1999 announced a combination of its wilderness and river planning processes that were currently underway. This chapter will address these critical river/wilderness management issues in order to draw out proper NPS policy decisions for the future. Chapter Three underscores the importance of personalities in determining the management history of Grand Canyon, and the current NPS process is no different. Therefore, this Chapter relies heavily on personal interviews to draw together these highly dynamic and controversial issues.

## Access: The Unfairness of Things

### The Allocation Controversy

Like all finite natural resources, the Grand Canyon has a carrying capacity which, if exceeded, begins to degrade its pristine environment. The 1972 quota system instituted by GCNP established a carrying capacity for the Colorado River by freezing the use level of the river. This decision was made to protect the river environment, but it also created a new “allocation” controversy. The 1972 system gave commercial outfitters 92% of the permitted annual use, while private boaters had only 8%. “This ratio was derived from actual 1972 use percentages but quickly became outdated as demand for noncommercial river trips skyrocketed.”<sup>71</sup> By 1977 noncommercial applicants had a one in fourteen chance of receiving a permit and, if unlucky, could conceivably never get on the river.<sup>72</sup> The 1979 Final Environmental Plan addressed this problem by increasing the noncommercial allocation to approximately 25% of the total use, and replaced the annual lottery system with the consolidated waiting list system that is used today. With the exception of the controversial 1981 CRMP that increased commercial user days by 30%, no significant revision of GCNP river policy has taken place in the last nineteen years. During this time the demand for

noncommercial trips has grown to over 6,500 people waiting approximately 26 years to reach the river. The allocation crisis that began with the 1972 quota system has now grown into one of the most important issues effecting the management of GCNP.

## **Privates Vs. Commercials**

The Grand Canyon Private Boater's Association (GCPBA) was formed in 1996 to provide a voice for private boater's during the CRMP revision process. GCPBA President, Tom Martin, believes that "access is the key issue in determining the success of the combined CRMP/DWMP process."<sup>73</sup> The GCPBA points to the current 26 year wait for private boaters as proof that the system is arbitrary and unfair. A 1979 court case, *WPRF v Kleppe*, brought by private boaters against the NPS also made this assertion, and the Court's decision in this case provides a legal basis for the current CRMP revision process.<sup>74</sup> The Court ruled that the "allocation of the limited use between the two groups [private boaters and commercial outfitters] is one method of assuring that the rights of each are recognized and, if fairly done pursuant to appropriate standards, is a reasonable method and cannot be said to be arbitrary."<sup>75</sup> The Court also ruled that "where several administrative solutions exist for a problem, courts will uphold any one with a rational basis" since "there is a judicial presumption favoring the validity of administrative action."<sup>76</sup> In short, the Court ruled that arbitrary decision-making is illegal, but that the NPS was not guilty of this charge because it had made its standards in a rational manner. It is interesting to note, however, that the Court found merit in the plaintiff's argument that the use of seven-year-old data is unreasonable. This argument was set aside, however, since the NPS had just released its draft 1979 CRMP which increased noncommercial allocation to 30%. It is interesting to note that the 1980 CRMP identified "arbitrary" allocation as a key issue for the NPS, since no new studies had been conducted to determine a proper level of use for each group. This argument is critical to the current allocation debate since the permit system is still being managed by the levels set in 1979, with commercial outfitters receiving over 70% of annual user-days.

The Grand Canyon River Outfitters Association (GCROA) argues that it deserves this overwhelming majority of the river allocation since the outfitters are providing a service for the American public. Commercial outfitters, particularly the river guides whom they employ, do provide an excellent opportunity for Americans to experience the Colorado River through GCNP. The GCPBA recognizes the importance of having opportunities for the American public to float the Canyon; however, the GCPBA also believes that commercial outfitters have neglected their responsibility to provide trips for all Americans by providing expensive river trips that cater only to the wealthy. GCPBA President Tom Martin cites an unreleased GCNP study by Bo Shelby which recently found that over 40% of commercial customers make over \$100,000 as proof that commercial outfitters no longer offer affordable trips for the majority of Americans.<sup>77</sup> Martin's accusation is not unfounded: a person wishing to learn the skills necessary to boat the Grand Canyon can do so for the inclusive price of \$43.00 per day for a 12 day trip; however, a person on a motorized commercial trip must pay an average of \$240.75 for a 6 to 8 day trip.<sup>78</sup> The outfitters contend that the services they provide are a reflection of market demand, and that their prices are attractive to the average American household.<sup>79</sup> However, since the median American household income is only \$37,005, the overwhelming majority of Americans cannot afford commercial river trips in the Grand Canyon.<sup>80</sup> The price of commercial trips is directly related to the lavish food and beverage services that are made possible by motorized transport. Again, the DWMP must determine a proper wilderness experience on the river, and ensure that this experience is financially available to the average American citizen.

## Examining the Numbers

The current allocation issue is compounded by the \$25 million generated annually by the commercial rafting industry.<sup>81</sup> Liz Bousard, Grand Canyon specialist for the Wilderness Society, claims that “the profit margin of motorized concessionaires has unduly influenced park service management and visitor experience for the past two decades.”<sup>82</sup> Commercial outfitters utilize motors and helicopter exchanges to shorten trips, which effectively increases the number of user-days which commercials are allocated. Thus, the DWMP is of great concern to commercial outfitters who currently reap the allocation benefits of the 1979 CRMP. It is important to remember that the 1979 CRMP increased concessionaire allocation specifically to ease the economic transition to oar-powered boats—a change that has yet to occur in GCNP. For twenty years commercial outfitters have enjoyed ever-increasing profits from motor-use and an increased allocation that was retained despite a change in NPS policy that should have negated this economic increase. Mark Grisham, Director of the GCROA, realizes that “something needs to be done” about the current permit system, but is against any plan that would reduce the number of user-days allotted to commercial outfitters.<sup>83</sup> Grisham emphasizes that there is a difference between access and allocation, and that, “You can manage or improve access without changing allocation.”<sup>84</sup> Grisham is correct to suggest that scheduling changes by outfitters could allow more room for private use during the summer, a solution currently being studied by a group of researchers for the DWMP.<sup>85</sup> However, while the re-scheduling of commercial trips during the summer could increase private use during this peak season, the overall unfairness of the allocation system will remain. Figure One details this unfairness by showing how the boat launches in 1998 were grouped. During the four month period from May to August, the “peak” use period, nearly 160 trips were launched with less than 25% of this use by private boaters. The DWMP cannot ignore this inequity, and must “resolve the difficult, politically divisive issue of dividing the [allocation] pie.”<sup>86</sup>

*Figure One: Commercial and Private Trip Launches 1998*

## Improving Access Through Wilderness

Kim Crumbo, the Wilderness Coordinator for GCNP, feels that the outfitters must address the “allocation thing” because “it is, on the surface, so blatantly unfair.”<sup>87</sup> As a member of the DWMP planning team, Crumbo is pushing to “establish defensible use levels based on qualitative criteria.”<sup>88</sup> Although Crumbo’s qualitative criteria is still being gathered by NPS scientists, it is highly unlikely that a DWMP meant to “preserve opportunities for solitude” would simply call for an increase in the number of people on the river. As Figure One suggests, the peak season average of 160 trips per month is the current carrying capacity of the river. Any increase in private allocation must accompany a severe distribution of commercial use over the non-peak winter period: a move not favored by the GCROA.

Crumbo is an adamant supporter of wilderness designation for GCNP because it “mandates the protection of experiential quality” which in turn “allows a rational basis for establishing overall use.”<sup>89</sup> Overall use for a wilderness area must preserve a proper wilderness experience, as defined by the Wilderness Act, for each individual. Linda Jalbert, Team Leader for the current DWMP, concedes that the idea of a proper “wilderness experience” varies from individual to individual, but also recognizes that critical elements of this experience such as “group size, number of encounters per day, campsite and attraction site crowding” can be studied to ensure a quality river experience.<sup>90</sup> Motors increase the number of people commercial outfitters can put on each raft, and the average group size for commercial outfitters has steadily increased. In 1981 there were an average of 28.4 passengers/trip as compared to 32.2 in 1996 (See Appendix II). Group size and other

experiential parameters are critical to the future health of the river ecosystem, and also strike to the heart of the wilderness debate. The DWMP must address the inequities present in the allocation system within the larger context of a proper wilderness management plan. This means determining the wilderness compatibility of both private and commercial trips. This means confronting a history of confused management and conflicting policy within GCNP. For better or worse, this means determining the suitability of mechanical devices within a proposed wilderness area.

## **The Role of Concessionaires within the National Park System**

The management history of GCNP reveals the intense controversy that surrounds the use of motors on the Colorado River. Commercial outfitters utilize motors in over 75% of their river trips to increase their user-days, and to provide shorter trips that are more attractive to a “busy” American public. The DWMP must confront the suitability of these motors within GCNP, an issue which also requires the NPS to examine the entire role concessionaires play within the National Park system. The 19 commercial river outfitters within GCNP are governed by various statutes and NPS regulations. The Wilderness Act, however, is the only piece of legislation that speaks on the role of concessionaires within a wilderness study area: “commercial services may be performed within the wilderness areas designated by this chapter to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.”<sup>91</sup> The NPS has a statutory duty to study the actions of commercial outfitters, and to ensure that commercial outfitters are only providing services that are “necessary” and “proper” within a wilderness experience. This means that commercial outfitters are not responsible for providing Americans with whatever amenities they seek while in the Grand Canyon; on the contrary, outfitters should strive to enhance a person’s ability to interact with the natural beauty and silence of the Canyon while participating in a “primitive and unconfined type of recreation.”<sup>92</sup> Mark Grisham of the GCROA disagrees: he cites the Organic Act’s purpose “to provide for the enjoyment [of national parks] in such manner and by such means as will them unimpaired for the enjoyment of future generations” as a mandate for concessionaires to respond to market demands.<sup>93</sup> The Organic Act does require the NPS to provide for the “enjoyment” of GCNP, but within the wilderness experience set forth in the Wilderness Act and the NPS Management Policies. The NPS Wilderness Management Policy states that:

Park visitors must accept wilderness largely on its own terms, without modern facilities provided for their comfort or convenience. Users must also accept certain risks, including possible dangers arising from wildlife, weather conditions, physical features, and other natural phenomena, that are inherent in the various elements and conditions that comprise a wilderness experience and primitive methods of travel.<sup>94</sup>

In short, both Congress and the NPS recognize that wilderness areas like GCNP are very unique places in modern society, and should be managed to preserve these very special wilderness qualities. Congress established the Wilderness Act in direct response to “the growing mechanization” of public lands, and the river experience in GCNP should reflect this purpose.<sup>95</sup> For the past nineteen years the NPS has failed to manage GCNP in accordance with its statutory obligations. Commercial outfitters continue to run motorized trips that feature gourmet food, gas generators, and helicopter exchanges: amenities that are clearly in excess of what is necessary to bring Americans a proper wilderness experience. A history of inconsistent and conflicting directives within the NPS has allowed concessionaires to grow beyond their intended responsibilities, and the DWMP process must finally face this difficult issue.

## **Motors: The Unifying Issue**

Motorized rafting is related, directly and indirectly, to every major issue effecting the proper management of the Colorado River. One cannot fully discuss solving the current problems with access, wilderness incompatible trips, or even allocation without confronting motors. Byron Hayes, vice-president of the GCPBA, points to “motors as the central issue because they artificially increase demand for the river”.<sup>96</sup> This demand translates into increased pressure for river access by people seeking river trips that are not compatible with a wilderness experience. The commercial outfitters argue that “wilderness does not exist in Grand Canyon”, and that “the NPS chooses to have this so-called wilderness.”<sup>97</sup> While it is true that the Wilderness Act did not specifically designate the Grand Canyon a wilderness area, it did create a system that is meant to manage proposed wilderness areas “until Congress has determined otherwise.”<sup>98</sup> The NPS has responded to this legal mandate by classifying GCNP as a “potential” wilderness area, which should be managed in accordance with the Wilderness Act. The Wilderness Act expressly forbids the use of motorboats within wilderness areas, unless this use had “already become established” by 1965.<sup>99</sup> Motor advocates point to the first motor trip in 1949 as a precedent for further use.<sup>100</sup> However, the Wilderness Act does not state that motors should be permitted in wilderness, but that this decision should be left to the discretion of the Secretary of Agriculture. The motors issue should therefore be based upon the legislative direction of the Wilderness Act, NPS Management Policies, and the overall need for motors in a potential wilderness area.

## **Motors: Analyzing the Need**

### **Disabled Access**

The release of the 1998 DWMP prompted a great deal of public comment from all groups interested in the management of the Colorado River. While environmental groups like the Wilderness Society and the Sierra Club criticized the NPS for failing to include the river corridor, the commercial outfitters expressed intense concern that the NPS was seeking to eliminate commercial motorized trips in Grand Canyon. The recent inclusion of the CRMP revision into the DWMP process has increased the outfitters’ concerns that they could lose the use of motors on the river. The GCROA’s official comments on the DWMP highlight the main arguments for allowing “an obviously non-conforming use” to continue in GCNP.<sup>101</sup> The main argument put forth by the outfitters is that:

motorized rafts on the Colorado River in Grand Canyon enhance public access for greater numbers of people with a broader range of physical ability, on fewer rafts with much less contact between groups with reduced need for passenger exchanges at intermediate points along the river to satisfy public demand, without harm to the resource, and with increasing protections for natural quiet.<sup>102</sup>

The first assertion within this argument is that motors allow disabled persons and the elderly greater access to the river than could be offered by oar-powered trips. While no scientific data exists to prove this argument, the GCROA insists that motors are necessary to provide for the access of disabled persons. Gregory J. Lais, executive director of Wilderness Inquiry, Inc., disagrees with the idea that disabled persons need, or much less want, mechanical access to wilderness areas. Wilderness Inquiry is a non-profit organization that was founded to “advance the study of the recreational and educational needs of people with disabilities, with particular emphasis on accessibility to wilderness areas.”<sup>103</sup> Lais bases his argument on a 1992 study conducted by Wilderness Inquiry on behalf of the National Council on Disability which found that “76 percent of the respondents with disabilities do not believe that the restrictions on mechanized use stated by the

Wilderness Act diminish their ability to enjoy the wilderness.”<sup>104</sup> Oar-powered trips have proven to provide safe and equal access to those disabled persons who wish to have a wilderness experience in GCNP. The first person to explore the Colorado River through GCNP, Major John Wesley Powell, successfully navigated the river with only one arm, and there are numerous other examples of quadriplegics and other disabled persons taking oar-powered trips down the Canyon (see picture below). A wilderness area by its very definition includes assumed risks by the visitor, and the NPS does not have a statutory responsibility to ensure that all Americans can access every resource within the National Park System.

*Figure Two: Disabled Private Boater, Fern, Glen, The Colorado River, GCNP ©Tom Martin, 1998*

## **Continuing the Level of Use**

A second assertion put forth by the GCROA is that motors are needed to continue providing the current level of access to the Colorado River. It is true that in order to continue providing the current level of access without motors that there must be an increase in the number of boats on the river. However, the NPS reports that demand for non-motorized trips is sufficient to fill all commercial motorized use, a fact which renders moot the argument that motors are essential to providing access. An increase in smaller, oar-powered, wilderness compatible trips would be managed by the Grand Canyon River Trip Simulation technology currently being developed by Park scientists to prevent crowding and to ensure that all visitors engage in a true wilderness experience. The scientific studies done through the DWMP process will ultimately decide the proper level of use and scheduling for the river: a non-conforming use should not be allowed to continue in a wilderness area in order to placate a specific user group.

## **Public Demand**

The final argument put forth by the GCROA is that “motorized rafts provide a reduced need for passenger exchanges at intermediate points along the river to satisfy public demand.”<sup>105</sup> Federal legislation, not public demand, dictates proper NPS policy to manage a protected natural resource. Mark Grisham argues that “the most requested trip in the Canyon is a one day trip because American’s don’t have the time to take our trips—we don’t offer a one day trip.”<sup>106</sup> The reason that the outfitters do not offer a one day trip in GCNP is that the NPS has determined that it is inconsistent with the true experience of the Park. Concessionaires exist to provide services for Park visitors that are deemed to be proper for the sustainable use and enjoyment of the resource. The NPS has a responsibility to maintain a delicate balance between use and conservation within the Park system, and often decisions must be made to limit the use of a resource in order to secure its protection. Commercial outfitters are well aware of the power of the NPS to limit access to a public resource: the 1979 *Kleppe* case upheld the right of the Park Service to make such decisions, a ruling that has proved to be very beneficial to the river concessionaires.

A more recent case, *Organized Fishermen v. Watt*, has again strengthened the power of the NPS, but in a way that is very frightening to river concessionaires. This 1984 case was brought by commercial fishermen against the NPS for restricting commercial fishing in Everglades National Park. The Court ruled that the NPS has the power to restrict commercial activities within national parks if the commercial activities can be proven to cause environmental harm or resource degradation.<sup>107</sup> The Court reiterated the power of the Secretary of the Interior to use “broad discretion in determining what actions are best calculated to protect park or public land resources.” The Court also examined the role of the Organic Act in relation to concessionaires:

Commercial exploitation of the natural resources is not one of the purposes for which Con-

gress established the Park. The Secretary [of the Interior], as a matter of policy, can implement measures such as those challenged herein, which, in effect, eliminate one predator from the park and enhance the use of the park by recreational users.<sup>108</sup>

While this specific case would not bring judicial preference to a similar case brought in a different circuit, this 1984 ruling is critical to the DWMP. The Court expressly states that Organic Act did not establish national parks for “commercial exploitation”, and that the NPS can restrict commercial activities to “enhance the use of the park by recreational users.”<sup>109</sup> This ruling is very disconcerting to the river concessionaires in GCNP—a group whose multi-million dollar industry is under scrutiny to determine new wilderness policies, and management answers, to the current problems that plague GCNP.

### **Passenger Exchanges**

The issue of passenger exchanges opens a new area of the motors debate. Motorized rafts do allow a 14 day Canyon trip to be completed in 7 days; however they also allow a 7 day trip to be combined with a helicopter exchange at Whitmore Wash for a long weekend trip that greatly increases public demand for the river. Motorized rafting does not reduce the need for passenger exchanges on the river. Mark Grisham is the first to admit that the “general public wants short trips”, and motorized rafts directly encourage the use of helicopter exchanges to provide four day Canyon trips.<sup>110</sup> Passenger exchanges at Whitmore Wash have evolved from this need to shorten the Canyon experience, and helicopter exchanges are now one of the most pressing issues facing GCNP.

### **Helicopters in the Wilderness?**

The Wilderness Act forbids the “landing of aircraft” in wilderness areas unless, like motorboats, the use of this aircraft had already been established before 1964, and the Secretary of Agriculture deems this use to be desirable.<sup>111</sup> Helicopter exchanges have only been used consistently for commercial purposes in GCNP since 1980, thus making helicopters ineligible for established use status under the Wilderness Act.<sup>112</sup> In 1984 the outfitters made a proposal to the NPS to allow helicopter exchanges on park land at a place called Whitmore Wash. The NPS denied this proposal so the outfitters went to the Hualapai Indian nation to seek permission to land helicopters at the place which is now known as the Whitmore helipad. This land is below the high water line for the Colorado River which delineates the boundary between GCNP and the Hualapai Reservation, but the NPS allowed these exchanges to commence. In 1984 17.4% of all commercial passengers utilized helicopter exchanges at Whitmore. The advent of motorized rafting and the promotion of helicopter exchanges has led to an exponential increase in helicopter use, with 55.7% of commercial passengers using helicopters in 1996 (see figure three).

This increased use has created a growing income for the Hualapai Indian nation, but has also greatly impacted opportunities for solitude within Grand Canyon. The frequency of helicopter exchanges has grown to the extent that a current passenger on a river trip would see or hear helicopters for an entire day as they passed Whitmore Wash.<sup>113</sup> The NEPA requires that the DWMP include an EA which considers the cumulative effects of development on the Grand Canyon. In recent years the Hualapai nation has significantly increased its development of the Lower Canyon which borders GCNP, and Byron Hayes of the GCPBA sees this development as an important factor in determining the use of helicopters at Whitmore Wash. Hayes believes that the “Lower Canyon will continue to be developed at an alarming rate” as the Hualapai’s expand helicopter flights, lunch cruises and river trips from their casino on the Canyon rim.<sup>114</sup> The

GCPBA emphatically emphasizes the need “to protect what can be protected” within GCNP, and urges the NPS to consider the cumulative effects of helicopter use on the Canyon experience. Linda Jalbert of the NPS explains that while the “NPS is not obligated to continue commercial exchanges at Whitmore if it is determined that they are not consistent with NPS management policies”, the situation is highly complex since the helicopter exchanges have evolved into a “cash cow” for the Hualapai nation.<sup>115</sup> The Whitmore helipad is excluded from Special Flights Control by the Federal Aviation Administration, but the NPS has a statutory duty under NEPA to consider the effects of these flights, and any other development that effects the Canyon, in the DWMP EA.

Helicopters, like motors, are non-conforming uses within wilderness, as determined by the Wilderness Act and NPS policies. Inconsistent NPS management decisions, particularly the 1981 CRMP, have allowed helicopter and motor to develop into highly lucrative businesses that enable outfitters to maximize the number of people who pay to use the river. Tom Martin of the GCPBA is not against the use of exchanges *per se* because “they do enhance opportunities for people to enjoy the river.”<sup>116</sup> However, Martin is quick to point out that exchanges do not need to utilize helicopters: “Outfitters hike people into Phantom Ranch (7.5 miles), and hiking could be used at Whitmore where there is a 1.5 mile trail to the buses. The use of helicopters is the problem.”<sup>117</sup> Liz Bousard, Grand Canyon specialist for the Wilderness Society, believes that Americans should expect more restrictions within wilderness areas, and that the elimination of helicopters is a “trade-off” that must occur in the final wilderness management plan.<sup>118</sup>

## Conclusion

The debate over helicopter exchanges, like the arguments over motors and allocation, returns back to the central issue within the DWMP process: determining what kind of use is appropriate in a federally managed wilderness area. The NPS has a statutory duty under the Organic Act to manage GCNP in a manner that protects the Colorado River for future generations. The NPS also has a statutory duty under the Wilderness Act to manage GCNP in such a manner that honors its wilderness suitability until Congress comes to a decision on full federal wilderness designation. To fulfill these statutory duties, the NPS has exercised its power under the Organic Act to enact internal regulations that govern the management of GCNP. The NPS classifies the Colorado River as an area of “potential wilderness”, due to the non-conforming use of mechanical devices by commercial outfitters through motorized rafting and helicopter exchanges. The current DWMP process must confront these non-conforming uses and their impact on the Colorado River. This Chapter pinpoints the major issues of access, concessionaire management, and helicopter exchanges, and examines their impact on the wilderness experience of GCNP. It is important to understand that these issues do not stand alone: the management problems of GCNP are intricately connected by the common bonds of money, motors, and a twenty-year history of mismanagement by the NPS. One cannot claim that GCNP is being managed as wilderness until all Americans, private boaters and commercial customers alike, have equal access to the Colorado River—equal access to a wilderness river experience free of motors and other mechanical devices.

## Footnotes

68. Arnberger, Robert, Superintendent GCNP before the House Committee on Resources, Subcommittee on National Parks and Recreation, 08/24/99.

69. *The Protection of Wilderness Suitability and the Use of Motorized Rafts on the Colorado River Within Grand Canyon National Park*. NPS Internal Policy Analysis. October 5, 1998.

70. Nash, Roderick. (1982) *Wilderness and the American Mind*. p 337.

71. Frank, Randy, 'The River Allocation Problem: A Brief History,' *River Rights Action Newsletter*. p 5.
72. Personal interview. 06/23/99.
73. *Wilderness Public Rights Fund v Kleppe*, 608 F.2d 1250 (1979)
74. *Wilderness Public Rights Fund v Kleppe*, 608 F.2d 1250 (1979)
75. *Wilderness Public Rights Fund v Kleppe*, 608 F.2d 1250 (1979)
76. Personal Interview. 6/23/99.
77. Please see Appendix I: Analysis of Commercial Demand and Pricing. Data based on price quotes and availability from five commercial rafting companies. The price for a private boater was based on a quote from Professional River Outfitters, Flagstaff, AZ for providing a Deluxe Equipment Package, including shuttle and food, for a 14 day private oar trip.
78. Personal Interview. Mark Grisham. 6/30/99.
79. 1997 Income and Poverty Report. The US Census Bureau Website.
80. Personal Correspondence with Mark Grisham. 7/23/99. Grisham estimates that \$17 million of this figure comes from motorized trips.
81. The 1999 15 Most Endangered Lands Report. The Wilderness Society website.
82. Personal Interview. 6/30/99
83. Personal Interview. 6/30/99
84. The Grand Canyon River Trip Simulation Project is currently underway. (GCRTSim)
85. Crumbo, Kim.(1999) 'Reprising the CRMP,' *The Boatman's Quarterly Review*. 10 (3)p. 12
86. Crumbo, Kim. Personal Interview. *The Boatman's Quarterly Review*. 8 (1) p. 36.
87. Crumbo, Kim. 'Reprising the CRMP', *The Boatman's Quarterly Review*. 10 (3) p 12.
88. Crumbo, Kim. 'Reprising the CRMP', *The Boatman's Quarterly Review*. 10 (3) p 12.
89. Personal Interview. 6/21/99.
90. 16 USC 1131 (note) S4d
91. 16 USC 1131 (note) S2c
92. 16 USC 1 et seq.
93. 1988 NPS Management Policies, *Wilderness Preservation and Management*. Chapter 6:8.
94. 16 USC 1131 (note) S2a
95. Personal Interview. 6/22/99.
96. Personal Interview, Mark Grisham. 6/22/99.
97. 16 USC 1131 (note) S3b
98. 16 USC 1131 (note) S4d
99. Ed Hudson and Otis "Dock" Marston ran the first powerboat through the Canyon in 1949.
100. Personal Interview. Mark Grisham. 6/22/99.
101. Grisham, Mark. (1998) Official GCROA letter to Linda Jalbert, Wilderness Planning Team Leader, GCNP. July 10, 1998.
102. *Wilderness Accessibility for People with Disabilities*. A Report to the President and Congress of the United States on Section 507 (a) of the Americans with Disabilities Act. 12/01/92.
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104. Grisham, Mark. Official GCROA letter to Linda Jalbert, Wilderness Planning Team Leader, GCNP. July 10, 1998.

- 105. Personal Interview. 6/30/99.
- 106. 590 F.Supp. 805
- 107. 590 F.Supp. 805
- 108. 590 F. Supp. 805
- 109. Personal Interview. Mark Grisham. 6/30/99.
- 110. 16 USC 1131 S4d
- 111. Cherry, Susan. Personal Correspondence. 7/29/99.
- 112. Helicopter exchanges occur every five to ten minutes for approximately five hours a day.
- 113. Personal Interview. 6/22/99.
- 114. Personal Interview. 6/21/99.
- 115. Personal Interview. 6/23/99.
- 116. Personal Interview. 6/23/99.
- 117. Personal Interview. 6/22/99.

## Chapter Six: Conclusion: Wilderness for the Future

*“Do nothing to mar its grandeur for the ages  
have been at work upon it and man cannot  
improve it. Keep it for your children,  
your children’s children, and all  
who come after you.”  
~ President Theodore Roosevelt*

### Introduction

For over 40 million years the Colorado River has taken the major role in sculpting the Grand Canyon. In the last century this role has changed. The Colorado River is no longer a free-flowing artist: sandwiched between Glen Canyon Dam and Lake Mead the river is now one of America’s most important public resources. Chapter Two analyzes the relevant legislation that governs the management of this resource, and highlights the purposes for which GCNP was created. This legislation also sets a management framework for the park, and provides guidance for the preservation of its resources. Unfortunately, the management of GCNP has not been consistent with its legislation, and Chapter Three traces this management history to provide a background to the current problems that are now effecting the park. The wilderness qualities that attract so many visitors to the Grand Canyon are being eroded by the use of motors, helicopters, and other mechanical devices. Chapter Five analyzes these issues, and draws on personal interviews with the main players in the DWMP revision process. This analysis reveals the importance of wilderness designation for the future preservation of wilderness in GCNP, and makes recommendations to secure this future. This concluding chapter will expand on these policy recommendations, and will place them within the political system that will ultimately decide the future of GCNP.

### Wilderness and Access

The DWMP revision process must address the current NPS river access policy which discriminates against private boater, and detracts from the overall wilderness quality of the Grand Can-

yon. The key legal guideline for establishing a permit system is that it not be an arbitrary system. In other words, the NPS must have a rational basis for determining use levels between private boaters and commercial outfitters. The current 26 year time burden for private boaters is reflective of an arbitrary allocation system that is based on twenty-year old data.

Congress passed the Wilderness Act to preserve areas that provide outstanding opportunities for “a primitive and unconfined type of recreation.”<sup>119</sup> The private boater who has mastered the skills of river running exemplifies this spirit of passion and adventure, and deserves to have fair access to the unique wilderness experience of the Colorado River. A fair allocation system would involve a common pool system that allows every member of the public the same opportunity to access the river. Within a common pool system, anyone who wants to float the river must submit his or her name on the waiting list. This system should fluctuate with the time each user group has to wait to access the river, thus being flexible to future changes in river use. In essence, a common pool system is a “first-come, first-served” system. While many details must be included in such a plan to ensure fairness and to ease the economic transition from the current system, a common pool system can work to solve the access problem in GCNP.

## **Wilderness and Concessionaires**

Concessionaires exist within the National Park System to provide services that help Americans enjoy their natural resources. For potential wilderness areas like GCNP, the Wilderness Act states that concessionaires should only provide services that are “necessary” and “proper” to facilitate a wilderness experience.<sup>120</sup> Unfortunately, the commercial river outfitters in GCNP have exceeded their designated roles within the park system. Commercial river companies offer motorized trips that feature gas generators, refrigerated coolers, and other mechanical devices. These trips create an artificial demand for an experience that is not consistent with the legislation governing GCNP. All river visitors to GCNP should have the opportunity to enjoy the wilderness on its own terms, without the distraction of mechanical devices.

Mechanical devices, particularly motorboats, have long been the central issue in determining wilderness suitability for the Colorado River. “The reason Grand Canyon, unquestionably one of the greatest American wildernesses, is not designated Wilderness lies with the resistance from the river running industry, a preoccupied environmental community, and inconsistent and conflicting directives within the Park Service.”<sup>121</sup> The DWMP must finally address the motors issue and provide guidance for concessionaires in adhering to wilderness compatible river trips. The 1980 NPS wilderness recommendation to Congress proposed that the Colorado River be defined as “potential wilderness”-as an area that has been authorized by Congress but not yet established due to the temporary incompatible use of motorboats. Kim Crumbo of the DWMP Planning Team believes that potential wilderness “provides wilderness criteria for managing river use, avoids diluting standards for designated wilderness, and provides respite from the politically volatile issue of motors versus wilderness designation.”<sup>122</sup> Politically, this mindset is important since it opens avenues of negotiation and flexibility with the commercial river industry. However, the NPS must be totally committed to bringing GCNP policy into line with federal legislation and internal policies. Until Congress decides otherwise, GCNP should be managed as a wilderness area under the Wilderness Act. This means the NPS must confront the non-conforming use of motors on the river, and work to regain the wilderness experience of the Colorado River.

## **Wilderness and Helicopters**

Like motors, helicopter use originated as a result of conflicting management policies within GCNP. Since helicopters were not used for passenger exchanges in GCNP before 1964, the

Wilderness Act expressly forbids their use in wilderness areas like Grand Canyon. Helicopters are politically contentious due to the involvement of the Hualapai Indian nation and the amount of income generated by their use. While it is true that neither the FAA nor the NPS can control what happens in the airspace over Hualapai land, the NPS has the sole power to determine what happens on the Colorado River in GCNP. Thus, the DWMP can, and must, address the suitability of helicopters landing constantly within a few hundred yards off the river at Whitmore Wash. With a short trail leading to the buses at Whitmore Wash, there is absolutely no justification for the continued use of helicopters.

## **Wilderness and Politics**

Chapter Three outlines the effect of politics on the management of the Grand Canyon. As the DWMP process progresses, politics are again becoming a critical part of the wilderness debate. Mark Grisham of the GCROA points to the relationship between outfitters and their elected officials as a key determinant for wilderness designation. Grisham believes that wilderness management for the Grand Canyon will ultimately be decided by Senators Jon Kyl (R-AZ), John McCain (R-AZ), Bob Bennet (R-UT), and Orrin Hatch (R-UT): “The idea that these Senators are anti-wilderness because someone gave them money is ridiculous—they actually believe that.”<sup>123</sup> The GCROA is confident that these four Republican Senators can repeat the history of the 1981 CRMP and dominate the management policies for GCNP. While the Arizona and Utah Congressional delegations should play an active role in any legislative action taken on behalf of GCNP, the current NPS DWMP process should be free of congressional meddling. The Wilderness Act provides a congressional mandate to manage GCNP as a potential wilderness area, and the NPS must uphold this duty.

The main issues of access, motors, and helicopter exchanges are very political in nature due to the income generated by the multi-million dollar rafting industry. Commercial outfitters increase this income by using motors and helicopters to fully utilize their 75% share of river use. The river industry has been allowed to grow beyond its intended means, and the debate surrounding the DWMP emphasizes the need to address the role of concessionaires in the Grand Canyon. The commercial outfitters, through the GCROA, are lobbying hard to prevent the DWMP from addressing the central issues precluding the Grand Canyon from becoming a fully designated wilderness area. The GCROA claims to be committed to “a peaceful resolution” of the wilderness debate.<sup>124</sup> In reality, the current situation is static, with little room for compromise offered by either side. Mark Grisham believes that “a point will come when there will be a new willingness to negotiate...but I don’t see this point in the immediate future.”<sup>125</sup> It is important to remember that there should be no “negotiation” when it comes to managing GCNP in accordance with federal law and NPS policies. The 1980 NPS wilderness recommendation has yet to be acted upon by Congress. Thus, GCNP should be managed according to the Wilderness Act until Congress takes any further action on the management of the park.

## **CONCLUSION**

### **WILDERNESS FOR THE FUTURE**

The Grand Canyon is rapidly becoming one of the most publicized environmental issues in the United States. Politics have long played a key role in the management of the Grand Canyon, but the American public is now demanding a voice in the DWMP process. Public interest groups like American Whitewater, the GCPBA, and the Wilderness Society are taking active roles in ensuring that American public is able to enjoy the wilderness of Grand Canyon. Rafting the Colorado

River through the Grand Canyon is one of America's greatest wilderness adventures. An oar-rig allows Americans the opportunity to access the wilderness of the canyon with minimal environmental impact, while continuing to provide adequate access, jobs, and profits for commercial river outfitters.

The DWMP process has begun in GCNP. This process will not be easy, nor will it be pleasant; however, it provides a critical opportunity for Americans to preserve the wilderness in Grand Canyon. The main participants in the DWMP revision process are embarking on a potentially historic journey. Like the first Canyon explorer Major John Wesley Powell, the DWMP participants must commit to their course of action. Powell's first journal entry reminds us of the simple beauty that is found in wilderness, and the importance of inner strength in facing one's fears:

"We are now ready to start on our way down the Great Unknown. Our boats, tied to a common stake, chafe each other as they are tossed by the fretful river... We have an unknown distance yet to run, an unknown river to explore. What falls there are, we know not; what rocks beset the channel, we know not; what walls rise over the river, we know not."<sup>126</sup>

Like Powell, we must embrace the unknown and accept our responsibilities for the future.

Americans need the wilderness of the Grand Canyon as badly as the Canyon needs to be saved from future degradation. In a world of increasing mechanization and development, the solitude and natural beauty of the Grand Canyon cannot be surrendered. A fair DWMP process is necessary, but not sufficient, to ensure the future of the Grand Canyon-only through full federal wilderness designation can we ensure that future generations will feel the tonic of wildness that is the Colorado River through Grand Canyon National Park.

## Footnotes

118. USC 1131 (note) S2c
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122. Personal Interview. 6/30/99.
123. Personal Interview. 6/30/99.
124. Personal Interview. 6/30/99.
125. From *Exploration of the Colorado River and Its Tributaries* (Washington: U.S. Government, 1875).

# Appendix I

## Glossary of Frequently Used Terms

BQR-Boatman's Quarterly Review, the quarterly publication of the Grand Canyon River Guides (GCRG)

Commercial-For hire / profit river trip

CONCESSIONAIRES-any licensed company who provides services for a national park

CRMP-Colorado River Management Plan

DOI-Department of the Interior

DWMP-Draft Wilderness Management Plan, the current CRMP revision has been combined

with the current DWMP process  
 GCNP-Grand Canyon National Park  
 GCPBA-Grand Canyon Private Boaters Association  
 GCROA-Grand Canyon River Outfitters Association  
 GCRG-Grand Canyon River Guides  
 NPS-The National Park Service  
 Private-a non-commercial, not for hire river trip / or trip participant  
*WL-The Waiting List*, the quarterly publication of the Grand Canyon Private Boater's Association (GCPBA)

## Appendix II

### Analysis of Commercial Pricing and Public Demand

On July 22, 1999 a call was placed to five Grand Canyon concessionaires requesting trip availability for the remaining summer and the summer of 2000. The data listed below gives a good indication of commercial pricing and trip availability.

	Inclusive Price	Price per Day	Availability
Arizona River Runners multiple motor trips	\$1658 for 8 day motor trip	\$207.25	Only for 2000; <b>one oar</b> ,
Western River Expeditions at \$2180 for 12 days; multiple motor trips	\$1745 for 6 day motor trip	\$290.83	Only for 2000; <b>one oar</b>
Hatch River Expeditions September of 1999; multiple trips for 2000	\$1500 for 6 day motor trip	\$250.00	Two trips available
Wilderness River Adventures available in late August and September of 1999.	\$1902 for 8 day motor trip	\$237.75	Multiple trips
Canyoneers motor trips for the next year.	\$1525.00 for 7 day motor trip	\$217.85	Only for 2000; 50% sold for

**AVERAGE**  
**\$240.75**

It is important to note that two out of the five companies had immediate openings for the summer of 1999. Also, for the companies who reported very high demand for the summer of 2000, oar trips had booked faster than did motor trips.

This data only represents the pricing and demand for five out of sixteen licensed concessionaires.

## Appendix III

### Group Sizes on Commercial River Trips in Grand Canyon National Park

This chart depicts the average commercial motor group size from 1981 to 1996. In 1981 there were an average of 28.4 passengers/trip as compared to 32.2 in 1996.

This data is based on running one or two motor boats together.

The National Park Service recommends a 16 person group size to preserve the wilderness experience of the Grand Canyon.

Source: Susan Cherry, Graduate Research Student in Computer Modeling

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