

# RIVER RUNNERS FOR WILDERNESS

The Honorable Sally Jewell  
The Secretary of Interior  
U.S. Department of the Interior,  
1849 C Street NW, Washington, DC 20240

March 26, 2016

Director Jon Jarvis  
National Park Service  
1849 C Street NW, Washington, DC 20240

Superintendent David Uberuaga  
Grand Canyon National Park  
PO Box 129, Grand Canyon, Arizona 86023

The Honorable Don Watahomigie  
Chairman, Havasupai Nation  
PO Box 10, Supai, Arizona, 86435

The Honorable John McCain  
United States Senate  
2201 East Camelback Road, Suite 115  
Phoenix, AZ 85016

The Honorable Ann Kirkpatrick  
United States House of Representatives  
405 N. Beaver Street, Suite 6  
Flagstaff, Arizona, 86001

Dear Secretary Jewell,

Founded in 2002, River Runners For Wilderness (RRFW) represents a broad spectrum of river runners, wilderness lovers and American citizens who care about the wilderness river resources in the Colorado River watershed. Our members, now numbering over two thousand with outreach to over 10,000 whitewater enthusiasts, include wilderness enthusiasts who have walked the length of the entire Grand Canyon and spend up to a month at a time in the backcountry of Grand Canyon National Park. As such our members have a deep concern for the future of the wilderness values of the Colorado River watershed and the management of these national treasures including Grand Canyon National Park.

Below we are providing comments for the Backcountry Management Plan (BMP) Draft Environmental Impact Statement (DEIS) at Grand Canyon National Park. Components of this very important plan require your Department play a direct and active role at the level of the Secretary. The actions required of your Office include providing public access to Grand Canyon National Park across lands that were within Grand Canyon National Park and are now part of the enlarged Havasupai Nation,

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and a boundary issue at Beaver Falls. Our comments below begin with the pertinent issues that directly involve Secretarial Action, including Great Thumb Mesa and Tenderfoot Rim Access and Beaver Falls Access.

## Great Thumb Mesa and Tenderfoot Rim Access

The DEIS proposes a rather interesting access model for the Park lands below the Great Thumb. The DEIS notes: “*Under all action alternatives, the NPS would work with the Havasupai Tribal Council to determine appropriate levels of access across Great Thumb on the Havasupai Reservation through the implementation of a pilot program. The proposed pilot program would permit ten small groups access across Great Thumb Mesa during the months of March through May.*” (cite DEIS pg 458) The DEIS fails to mention access to the Tenderfoot Rim (Yumtheska Point) via the Tenderfoot road at all.

Congress passed the 1975 Grand Canyon National Park Enlargement Act, increasing the Havasupai Reservation with lands that had been previously administered by the National Park Service. The 1975 GCNP Enlargement Act demanded that the Secretary of the Interior, Grand Canyon National Park, The Havasupai Nation and the public, all work together to manage access to Park lands in this area of Grand Canyon National Park.

The 1975 Enlargement Act recognized a 185,000-acre addition to the Havasupai Nation, with National Park lands to the west (the Tenderfoot Rim), north (Beaver Falls and Havasu Canyon) and east (Great Thumb Mesa) of the enlarged Reservation. The Park lands west, north and east of the Reservation to the Colorado River included a 95,300-acre area of the Park that allowed Havasupai Nation use, along with use and enjoyment by the American Public. The boundary between the newly enlarged Reservation and the National Park was established by the 1975 Act to be ¼-mile back from the Great Thumb and Tenderfoot rim escarpments.

The Havasupai Nation was allowed to use this National Park land for “grazing and other traditional purposes”, subject to Secretarial “reasonable regulations” to protect the lands’ scenic, natural, and wildlife values. This National Park Land was identified as the “Havasupai Use Lands.” Directives to manage this land were finalized in a Memorandum of Understanding in 1982. (cite DEIS pg 529)

The 1975 Enlargement Act noted the following provisions:

Sec. 10(b)(4) *“a study shall be made by the Secretary, in consultation with the Havasupai Tribal Council, to develop a plan for the use of this land by the tribe which shall include the selection of areas which may be used for residential, educational, and other community purposes for members of the tribe and which shall not be inconsistent with, or detract from, park uses and values; Provided further., That before being implemented by the Secretary, such plan shall be made available through his offices for public review and comment, shall be subject to public hearings, and shall be transmitted, together with a complete transcript of the hearings, at least 90 days prior to implementation, to the Committees on Interior and Insular Affairs of the United States Congress; and Provided further, that any subsequent revisions of this plan shall be subject to the same procedures as set forth in this paragraph;”*

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The result of the above section was the Secretarial Land Use Plan, effective January 1982, unrevised since, and not cited in the DEIS. This land use plan is for Havasupai additional lands, and was clearly not intended to prevent public access to the Great Thumb Parklands as guaranteed by the 1975 Act.

Sec. 10(b)(6) *“nonmembers of the tribe shall be permitted to have access across such lands at locations established by the Secretary in consultation with the Tribal Council in order to visit adjacent park lands and with consent of the tribe”*

Sec. 10(b)(7) *“except for the uses permitted in paragraphs 1 through 6 of this section, the lands hereby transferred to the tribe shall remain forever wild and no uses shall be permitted under the plan which detract from the existing scenic and natural values of such lands.”*

Given the above legislative directives, the DEIS is lacking in any review of the 1975 Grand Canyon National Park Enlargement Act and the Act's clear directive to allow the public access across what was Park land to access what still is Park land. The DEIS is incomplete in not address the directives in the Secretarial Land Use Plan, effective January 1982. The DEIS is incorrect to suggest a “pilot program” should be set up. The correct action is to allow the public, in standard group sizes of 6, in year round use (winter weather permitting) to access Park lands that begin within a ¼ mile of the Great Thumb and Tenderfoot rim escarpment.

The 1975 Grand Canyon Enlargement Act makes it clear the general public is to be allowed permanent and unimpeded access across the enlarged Havasupai Reservation to access the National Park. The National Park Service and Havasupai Nation are in violation of the law by only providing *“ten small groups access across Great Thumb Mesa during the months of March through May”* (cite DEIS pg 53) without providing any data to justify the time and number of visitors allowed. The NPS proposes a ten month closure of access with access only allowed during the time of deepest snows. There is no justification to constrain access to ten small groups. The DEIS is inadequate by not providing any factual basis for providing such a small amount of access across the enlarged Havasupai Reservation to National Park land during the time of year when the road to this area is typically closed by snow.

The Backcountry Management Plan is the appropriate place for the National Park Service to recognize the 1975 Grand Canyon Enlargement Act as the guiding legislation to provide a venue for the public to exercise its right to access the Park at the Great Thumb and Tenderfoot Rims. This legislation requires both the Havasupai Nation and the National Park Service to enable unfettered visitor access to the Park, not prevent visitor access. Clearly, the role of the Park is to protect Park resources through educating the public about environmental awareness and land stewardship, as it does with all other areas of the Park.

The DEIS notes *“Tribal concerns with access across the reservation include wildlife poaching, hunting season safety, and sensitive cultural site disturbance.”* (cite DEIS pg 472) These concerns are most certainly valid and appropriate. We assume these same concerns are shared by the NPS when managing all Park lands. These concerns do not inhibit, nor are they intended to exclude, public access to Park lands, on the Great Thumb or anywhere else in the Park. The DEIS has an opportunity to educate Park visitors about these issues while allowing access to the Park lands on the rim escarpment and beyond to the west, north and east.

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Longstanding differences between the National Park Service and the Havasupai Nation must not impact access to this area of the Park by visitors from all parts of the globe. Park visitors must not be the proxy for these long running disputes. It is the charge of the Secretaries Office, as noted in the compromises enshrined in the 1975 Enlargement Act, to make sure that the NPS strives to support and respect visitors that travel through the Havasupai addition. A visitor with a desire to access Park Lands off the Great Thumb or Tenderfoot rims should be treated no differently than if the visitor were traveling across any other federal land to reach any other part of Grand Canyon National Park.

Given the present deficiencies in the DEIS, the NPS needs to follow the 1975 Enlargement Act mandates and designate locations across the Havasupai addition land for year round public access to the Great Thumb and Tenderfoot Park lands. This would fulfill the Secretaries obligations and allow the NPS to consult with the Havasupai by informing the Havasupai Nation of these designated locations. The Havasupai Nation and the public can comment on these locations during the DEIS review.

As per the 1975 Enlargement Act, any closure of access to Park lands off of the Great Thumb and Tenderfoot rims is illegal. At present, to gain access to Great Thumb land, the public pays a fee of \$25 to access Havasupai land on the road to the South Bass Trailhead. From the South Bass, a long overland trek with very little water availability is the only way to access the Thumb portions of the Park. This same access point is the eastern access to the Great Thumb Park lands. The DEIS must make clear the NPS statutory obligation that access to Park lands is allowed, on an identified route, across the Havasupai addition land.

The DEIS notes that *“The Havasupai Tribe does not currently permit access across Great Thumb Mesa (Havasupai Reservation) to backcountry users”* (cite DEIS pg 53). As per the 1975 Enlargement Act, to bar public access across Havasupai addition lands to gain access to Great Thump lands within Grand Canyon National Park is an illegal action. It is the duty of the National Park Service to uphold the law, as per the 1975 Enlargement Act, not support an illegal obstruction to the law. It is also beholden on the Havasupai Nation to follow the clear directives of the 1975 Enlargement Act instead of perpetuating an illegal denial of access.

The DEIS must lay out the legal framework for a sensible approach to Great Thumb and Tenderfoot Mesa access by identifying the Tenderfoot road and Deer Trail road, at a minimum, as the roads to access Park Lands. The public and the Havasupai Nation can provide public input on these routes. The NPS will also provide limitations, if needed, on trip size and frequency, based on the resource concerns park planners have for all of Grand Canyon National Park.

## Beaver Falls Access

The DEIS mentions Beaver Falls, in Havasu Canyon, only once. The DEIS notes *“The 188,077-acre Havasupai Reservation is located within, and along the rim of, Grand Canyon. The reservation is most commonly accessed via Route 66 and Indian Road 18 to Hualapai Hilltop. The reservation can also be reached by Forest Road 328 which departs Highway 64 near between Tusayan and the park’s South Entrance Station. The reservation can also be reached from the river by hiking up Havasu Canyon approximately four miles. Day hikers often venture onto tribal land to enjoy Havasu Creek’s spectacular waterfalls, although the hike is a relatively long one: eight miles round-trip to Beaver Falls,*

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*12 miles round-trip to Mooney Falls, 14 miles round-trip to Havasu Falls, and 18 miles round-trip to Supai village. A permit and associated fee is required to access Havasupai tribal land. As resources allow, the tribe stations personnel at reservation boundaries to ensure compliance, and NPS personnel inform park visitors of the required fee. Camping within the reservation is permitted only in designated campgrounds.” (cite DEIS pg 188)*

If one casually reads the statement above, one could easily assume that Beaver Falls is within the Havasupai Nation. But it is not, as Beaver Falls was specifically named as a geographical feature to remain in Grand Canyon National Park.

During the crafting of the 1975 Grand Canyon Enlargement Act, the House Interior Committee reported on S. 1296 which would become the 1975 Grand Canyon Enlargement Act, Public Law 93-620. The Interior Committee described the boundary between the Havasupai Nation and Grand Canyon National Park this way (page 11):

"All of the lands to be transferred by section 10 are outside the perimeters of the main stem of the Grand Canyon; however, the boundary crosses one major tributary canyon at Beaver Falls. It is the intention of the Committee that in establishing the precise boundary for the park at this point that the Secretary should cross upstream from the falls in order to assure their protection as a part of the park."

The House-Senate conference on the 1975 Grand Canyon Enlargement Act, PL 93-620, dated Dec 17, 1974, Joint Statement of the Committee of Conference" on page 6 under "(3) Havasupai Reservation Enlargement" noted:

“The House amendment included a provision for an immediate enlargement of the reservation and specified that the boundaries would be located on the plateau one-quarter of a mile from the rim of the canyon except where it crosses Havasu Creek from Yumatheska Point to the top of Beaver Falls to Ukwalla Point; thus granting trust title to approximately 185,000 acres of national park, monument and forest land to the Havasupai Tribe."

The DEIS is missing any reference to this supporting documentation as to the exact location of the boundary at Beaver Falls and has misplaced the location of Beaver Falls as within Havasupai Nation addition lands. This oversight needs to be corrected, lest the National Park Service find itself derelict with regards to Congressional intent by relinquishing a part of Grand Canyon National Park and the preservation of this global resource as Congress directed.

## Apache Point and Point Huitzel

In the fall of 2013, a letter to Havasupai Tribal Chairman Don Watahomigie from Grand Canyon National Park Superintendent David Uberuaga was leaked to the press. In this letter, Superintendent Uberuaga noted *“Regarding day use, I recognize your concerns for the Pasture Wash area and the potential impacts on Havasupai resources. Currently, people are required to have a permit for any overnight use in the Park including South Bass Trailhead and two designated campsites on Havasupai Point Road. As a clarification, my suggestion presented at our meeting earlier this year to discontinue day-use beyond Pasture Wash was specific to the area northwest of Pasture Wash, not the South Bass Trailhead and Havasupai Point. I agree that day-use should not be allowed northwest of Pasture*



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*Wash, heading towards Great Thumb. However, I would like to see day-use continue to the South Bass Trailhead and Havasupai Point.”*

The DEIS says nothing about a possible day use closure to the areas of Grand Canyon National Park northwest of the Pasture Wash Ranger Station. We would like to go on record stating our opposition to this possible closure, and find the DEIS lacking in any discussion of this clear possibility.

## Scope of the Backcountry Management Plan

At a webinar hosted by Grand Canyon National Park on Monday, February 8, 2016, Superintendent Uberuaga fielded the following question *“If the majority of the park is proposed for Wilderness, why not call this a wilderness management plan?”*

The following is a rough transcription of the Superintendent’s reply to this question: *“Well, I didn’t like that title (laughter), and it also is a, it implies, depending on who the users are, and the active groups, it implies a lot more when you use the word Wilderness with a capital W, but we also have in this plan a lot of non-wilderness areas and a whole lot of our activity is going into the corridor and the road natural zone system, uh, and other wilderness zones, so where we are doing that, and we are looking at a non-wilderness corridor, uh, that has campgrounds, tourist lodging and admin facilities, and so we need to make sure that we had identified the wilderness aspect in the plan, uh, and providing access to them, you know, through remote trailheads and overlooks, but we also have, uh, road corridors in the Tuweep Ranger station and the campground, which are all part of the backcountry natural zone, but not designated wilderness so I think we’ve tried to achieve the protection of wilderness, uh, and at the same time include all of the non-wilderness areas which is a whole lot of this plan. Is there another question?”*

The Superintendent pointed out that a large amount of this plan focusses on the trans canyon non-wilderness corridor, which connects the North and South Rim developed areas. Taken as a whole, the DEIS notes *“Wilderness landscapes are an important current resource and future preserve. Park boundaries extend beyond canyon walls to include 1,904 square miles (1,218,376 acres) of which 94% are managed as wilderness.”* (cite GRCA BMP DEIS pg 6)

The DEIS does not state how many acres are in the trans-canyon corridor. We can safely assume this non-wilderness area, called the “Corridor” in the BMP, consists of 2% or less of the park. This corridor has high tension powerlines going to the heavy lift water pumps at Indian Gardens, a trans-canyon waterline, a sewage treatment facility at Phantom Ranch, a number of Park Service employee and concessionaire temporary housing units, three campgrounds, daily mule tours, daily helicopter traffic, and a hotel. According to the DEIS, in 2012 alone over 8,000 commercial river runners hiked off of commercial river trips and exited the Canyon using this corridor, and 57% of all overnight backpacking in the entire Park occurred here (cite DEIS pg. 29, 163).

Clearly, this non-wilderness trans-canyon corridor is a developed area, and as such, is treated very differently than the 94% of the Park that is managed as potential wilderness. As noted in the DEIS, *“The Corridor Zone is the most visited backcountry management zone. Corridor Zone trails receive*

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*high day use including hikers, mules, horses, and long-distance hikers and runners. Overnight camping is limited by permit to developed campgrounds. Canyoneering activities are also accommodated. With such diverse user types and a semi-developed environment, high encounter rates with a variety of users are inferred, and minimal opportunities for solitude and self-reliance exist.”* (cite DEIS pg. 158)

We fail to see the reasoning, nor is such reasoning provided in the DEIS, for including this “semi-developed” area in the Backcountry Management Plan. The trans-canyon “Corridor” clearly needs its own management plan, or needs to be included in the planning for the developed areas at either end of this Corridor. Given that Grand Canyon National Park’s backcountry is managed as potential Wilderness, this is a Wilderness plan, and as such, should be called a Wilderness Management Plan.

## “Zones”

We recognize that Grand Canyon National Park (GRCA) has some of the most important and contiguous wilderness in the lower 48 states. We note that GRCA previously decided to “zone” the wilderness suitable lands within the park, as part of the 1988 Backcountry Management Plan, based on the cursory 1983 Environmental Assessment. We note “zone” differentiation has fragmented the wilderness suitable lands into “Threshold”, “Primitive” and “Wild” areas.

The fundamental problem with this approach is that wilderness is wilderness. The Wilderness Act of 1964 does not in any way allow for, encourage or even mention “zones” for wilderness management. The present scheme to “zone” the potential wilderness in Grand Canyon National Park will only serve to encourage and embolden current and future managers to allow degradation of wilderness character in the “lesser” “zones”. The present DEIS fails to evaluate and disclose the ramifications of applying the 1983 “zoning” concept. We encourage GRCA to take a hard look at elimination of the “zone” concept in the DEIS and treat all of the park’s potential wilderness areas as one type of area to be consistently managed to the highest preservation standards allowed under the law.

## Commercial Services in wilderness

In the DEIS, the Park Service recognizes that *“In accordance with NPS Management Policies 2006, proposed Wilderness will be managed as designated Wilderness.”*(cite DEIS pg 477)

This language is very important to help the Park realize wilderness values. In the Park Service’s alternatives B, C and D, no commercial services are allowed in the Wild “zone”.

The DEIS notes *“All action alternatives leave the Wild Zone free of backcountry commercial services.”* (cite DEIS pg 74) We support this decision, but we note that commercial services should not be allowed in any of the potential wilderness within the Park, for the same reasons commercial services are not allowed in the “Wild Zone.”

Appendix G of the DEIS notes *“NPS Management Policies (2006, 6.4.4) allow wilderness-oriented commercial services that contribute to public education and visitor enjoyment of wilderness values if they meet the “necessary and appropriate” tests of the NPS Concessions Improvement Act of 1998 and section 4(d)(6) of the Wilderness Act.”*

The actual language of the NPS Management Policies (2006, 6.4.4)

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(<http://www.nps.gov/policy/mp/policies.html>) notes

*“Wilderness-oriented commercial services that contribute to public education and visitor enjoyment of wilderness values or provide opportunities for primitive and unconfined types of recreation may be authorized if they meet the “necessary and appropriate” tests of the [National Park Service Concessions Management Improvement Act of 1998](#) and section 4(d)(6) of the [Wilderness Act \(16 USC 1133\(d\)\(5\)\)](#), and if they are consistent with the wilderness management objectives contained in the park’s wilderness management plan, including the application of the minimum requirement concept.”*

We note that Grand Canyon National Park has no Wilderness Management Plan, and therefore fails the test to allow commercial services in the 94% of the Park that is proposed wilderness.

Section 4(d)(6) of the Wilderness Act notes *“Commercial services **may** be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.”* (cite Public Law 88-577 (16 U.S. C. 1131-1136) emphasis added)

While commercial services “may” be allowed in Wilderness, Grand Canyon National Park has an obligation to preserve the small amount of Wilderness left in the lower forty eight states. The clause in Section 4(d)(6) does not say “**must**” but “**may**.” That means the National Park Service “**may not**” allow commercial services in all parts of the Park that are managed as potential wilderness and be completely within NPS management guidelines.

The Wilderness Act also notes in Section 2(c)(2) that Wilderness: *“has outstanding opportunities for solitude or a primitive and unconfined type of recreation.”*

Commercial services of any type by their very nature are not *primitive and unconfined*.

The trans-canyon “Corridor” does not qualify for Wilderness designation due to the existence of powerlines, *“campgrounds, guest cabins, and administrative facilities.”* (cite DEIS pg 190) Apart from the Corridor, the rest of the Park, outside of the rim developed areas, does indeed qualify for consideration as Wilderness.

After stating that *“All action alternatives leave the Wild Zone free of backcountry commercial services”* the DEIS waives off any consideration of a commercial-free backcountry by stating *“As noted above, the NPS determined some commercial use to be appropriate; therefore an alternative to ban all commercial services in the backcountry was not carried forward for analysis.”* (cite DEIS pg 74)

Figures released by GRCA indicate all the popular backcountry use areas were at or near maximum capacity prior to the introduction of commercial backcountry use in 2000. As noted above, it is totally within the scope and purpose of this plan to consider a commercial-free alternative in the 94% of the Park managed as wilderness and as such, this plan is inadequate without such an alternative.

## History of Concessions Contracts in Potential Wilderness

It is our understanding that a concessions contract was let for guided backpacking in the Park in the 1980s. It is our understanding that this was such a failure that the NPS had to revoke the concessions



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contract. We note at present there are no backpacking concessions activities allowed in any of the wilderness suitable lands in Grand Canyon National Park.

We note the DEIS is lacking any review of the history of backpacking concessions services in the potential wilderness backcountry areas of the Park. In order to provide the public with an accurate DEIS, please correct this oversight and add a review of the reason this concessions contract was awarded and then revoked in the 1980s.

## Adverse Social Interactions with Concessions in the Backcountry

The DEIS proposes to add guided concessionaire overnight backpacking in the potential wilderness of the Park in Alternatives B (the NPS Preferred Alternative) and C. These concessionaires will receive blocks of permits for overnight camping in the potential wilderness of the Park eight months ahead of when the do-it-yourself public is allowed to compete for permits (cite DEIS Executive Summary pg. vxii).

What the NPS is proposing is to set up an oligopoly that caters to one backcountry use group who will be forced to pay \$300 to \$500 per night (cite 2016 figures from various websites, \$250 per night per 2013 average as cited in DEIS pg 179) to book a date certain twelve months in advance while another backcountry use group is not afford these advantages in booking a date certain and must compete with other backpackes for a permit four months out in a random process to obtain a permit.

The NPS need only look at the adversarial relationship between the Park's own river concessions and the do-it-yourself river running public to recognize that allowing concessions to operate guided backpacking in the potential wilderness with guaranteed clientele access will cause major, regional, short and long-term adverse impacts to the relationship between concessions and the do-it-yourself public in the backcountry.

The DEIS is deficient in recognizing and addressing how they will deal with this inequity that will contribute to a large amount of negative social interaction in the potential wilderness of the park. Please add additional supporting documentation to address this potential and how GRCA plans to deal with it.

## Inequity in Permit Allocation Distribution

*The DEIS notes that “not all visitors may wish to pay for or participate in commercially guided trips. With only a finite number of backcountry permits available, this displaces, and would continue to displace, non-commercial backcountry users from being able to participate in their desired experience. For example, when and where overnight backcountry camping has met its defined capacity, commercial and private uses are in direct competition. For every permit issued to a commercial group in this scenario, a private group is displaced, and vice versa.” (DEIS pg 410)*

The above statement is inaccurate in that at present, do-it-yourself backcountry users are aware that the commercially guided trips compete in the first of the month permit drawing and that permits “are randomly ordered for processing.” (cite <http://www.nps.gov/grca/planyourvisit/backcountry-permit.htm>)

This is not clearly spelled out in the DEIS, and in fact, the DEIS does not mention at all how Backcountry overnight permits are awarded at the first of the month. The DEIS refers to the Park's web page on backcountry permits (<http://www.nps.gov/grca/planyourvisit/backcountry-permit.htm>)



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This DEIS does not say why 2012 was used as the appropriate year to measure commercial use, versus, say, any of the years between 2000 and 2007, before there was a huge increase in backcountry commercially guided trips.

The data is not separated to show what actual commercial use was by month between 2000 and 2012.

Please address this deficiency in the plan, and justify why only one year, the year with the highest use, was used to establish commercial use for the life of the plan, without considering what the actual commercial use was over the last fifteen years.

## A Fixed Concessions Allocation during an Economic Downturn

Commercial use is very susceptible to market forces. During times of economic downturn, park visitation decreases, and the demand for more costly services decreases, while the demand for self-guided types of recreational activities remains strong. The DEIS noted that *“Commercial operator income from backcountry guided services could be impacted by the global economy and changes in visitor demand for backcountry trips, but is not expected to increase or decrease significantly when compared to current condition.”*(cite DEIS pg 442)

We agree wholeheartedly that *“Commercial operator income from backcountry guided services could be impacted by the global economy and changes in visitor demand for backcountry trips”* but it’s not just the concessionaires income that is impacted. What happens when a fixed allocation system encounters an economic downturn or other market forces is that the concessions may not be able to sell those trips while the do-it-yourself public is competing for scarce permits in a random drawing process.

Looking at this from a regional economy prospective, tourists coming to the Grand Canyon region all support the regional economy, regardless of what type of backcountry overnight trip they do. This DEIS does not say anything about how unused concessions permits will be awarded to the do-it-yourself public who clearly have overwhelming demand for backcountry permits while the concessions cannot sell their trips. Please address this deficiency within the DEIS.

## Soundscape Protection

The Grand Canyon soundscape is identified as a natural resource worthy of protection. (Deis Executive Summary pg x, pg 14 and elsewhere). We were pleased to see that this DEIS proposes to *“Minimize use of helicopters to service backcountry toilets”* (cite DEIS pg 70) as river based toilet maintenance has been proposed for over a decade.

The DEIS notes *“Also, any noise impacts in the park’s backcountry from sources not associated with backcountry management actions are analyzed as cumulative impacts for the respective impact topics. Such noise sources include all aircraft overflights not associated with backcountry management, noise from mining operations outside the park, noise from frontcountry areas that can be heard in backcountry areas (e.g., train whistle, vehicles), and vehicle use on non-backcountry roads.”*(cite DEIS pg 121)

We note that the train horn is not a whistle. The train air-horn is much louder than the steam whistle. This noise source is identified as equivalent to a clap of thunder in the DEIS (pg 117), and was

identified as *“Noise from ground-based sources such as vehicles, building noise, machinery, and*

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*electronics, also adversely impacts soundscape, but is mostly concentrated in the Developed Zone (2% of the park) and adjacent Use Areas” (DEIS 242). We also not “... there is some spread into nearby backcountry areas by a few noise sources such as the train whistle...” (cite DEIS 242). This DEIS identifies the daily occurrence of the South Rim train horn as equivalent to a clap of thunder, and yet, the DEIS does nothing to mitigate this impact, bundling it with other “cumulative” impacts.*

The NPS has recognized dark skies as being important to backcountry visitors (cite DEIS pg 6) and attempts have been made in the recent past to add physical shields or otherwise minimize rim side lights. We support these small corrective changes in the Developed “Zone” that have huge impacts in the backcountry of the Park. So to with the train horn. In this case, the NPS could eliminate the train horn at the South Rim. Downtown Flagstaff Arizona, has two very busy train crossings where no train horn is blown.

A recent visitor to the South Rim developed area noted the train sounded its horn sixteen times during arrival at the South Rim. Having spoken with a number of backcountry visitors who remarked about this adverse impact they had noted many miles away from the train, we find this DEIS deficient in addressing this issue of train horn noise. Please provide supporting documentation to show why this noise source cannot be easily and simply eliminated.

## River “Zone” Camping Changes at Granite Rapids

We note that a common element of Alternatives B, C and D is to decrease the number of groups of people allowed to camp in the “River Zone” at Granite Rapid from two small and one large group to one small and one large group (cite Executive Summary pg xv, DEIS Summary Table pg 85). We would like GRCA to consider the option of decreasing the group size to three small groups, or simply closing the upper end of the Granite Rapid beach to backpack camping. This closure would only occur in the months of April through October, when the camp at the upper end of the beach sees almost nightly river runner camping.

## Deer Creek/Tapeats Creek Complex

The DEIS notes the Deer Creek/Tapeats Creek complex is seeing major adverse long term environmental disturbance. The DEIS notes that examples of resource impacts include “... *trampling archaeological sites, soil compaction, cutting or crushing vegetation, high density of human waste and associated catholes, disturbing wildlife during breeding season or at watering holes, etc.*” (cite DEIS pg 50)

The DEIS is deficient in not stating that this area is highly popular with river runners, who hike up Tapeats Creek, visit Thunder River, then hike west into the Deer Creek area, and then to the Colorado River at the base of Deer Creek Falls. This impact is added to by river runners who hike up into Deer Creek from the Colorado River at numbers well over 100 visitors per day (cite Martin personal observation). It is possible that the resource degradation noted in the BMP DEIS on page 50 is caused by river runners. The DEIS does not address this, and yet, backpackers will see reductions in both “...*group size and number in the Deer Creek/Tapeats Complex*” (cite DEIS pg 94)

The DEIS does not look at river runner use numbers and impacts in this area and is inadequate in this regards. Please modify this DEIS to include data from impacts from river runners in this area. This

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data should be available from the resource monitoring component of the Colorado River Plan (cite CRMP FEIS pg 38)

It is very possible that what needs to happen in the Deer Creek/Tapeats Complex is a reduction in river runner visitation. The DEIS is inadequate in not exploring this alternative to protecting the natural and cultural resources in this area.

## Human Solid Waste

Given the large visitation that the potential Wilderness in Grand Canyon receives annually, we note that in 613 pages of the DEIS, less than one page is devoted to this important topic.

Backcountry visitors need to void about 1.1 pounds of waste per day. Under the ever-increasing pressure of high visitation rates, it becomes apparent that managing human generated solid waste in the BMP is of critical importance.

While we support the removal of solid waste from the backcountry, it should be noted that in one study, nearly 85% of overnight backpackers objected to a human waste carry-out program. It is clear that the NPS will need to work diligently with backcountry users to help educate this use group to embrace this new method of solid waste removal.

Extending the Carry Out proposal to *all* backcountry use has significant merit and would unify human waste management requirements Park-wide. We encourage GRCA to follow successful implementation of solid waste carry out as has been done in other NPS settings such as climbing in Yosemite National Park. We encourage GRCA to continue to provide such solutions to the problem of funding uncertainties for installation and maintenance of backcountry toilets, structures that are incompatible with Wilderness values in the first place. Having backcountry users remove their solid waste can eliminate collection/disposal facilities that have high maintenance costs.

In implementing such a system, the GRCA BMP is deficient in defining exactly how this program would work. Large amounts of up-front education would be required. Carrying out solid waste means to an approved municipal waste pickup facility, not dumped at a trailhead, nor to a pit toilet that must be pumped or ladled out, or helicoptered out. Solid waste removed by backpackers must not be deposited in the composting toilets along the corridor trails. Nor can this material be deposited in a dumpster at commercial concerns along the South Rim developed area. None of this is brought forward in the BMP for consideration.

It should be noted that this DEIS treats Cat Holes and Carry Out as equivalent options, while they in fact have some significant differences. Carry Out from the backcountry and proper disposal are positive removal techniques in removing human waste from the backcountry environment in areas of high visitation. Plainly and simply, the waste is removed from the backcountry for proper disposal and/or treatment elsewhere. The NPS would do well to provide trailhead containers for this material to encourage compliance.

Cat holes vary tremendously in their nature. Regulations requiring a hole to be dug 6-8 inches in depth and 4 inches in diameter. While this might be easy to accomplish with a proper tool (spade) in the humus of a shady forest glen, the same is impossible on the Esplanade slickrock, or even in the compacted sand or gravel in drainages. The microbial action required for degradation varies in like



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manner. While the highly organic forest soil is rich in bacteria, worms and insects just waiting for a meal, a dry desert environment and climate lacks the microorganisms needed to compost feces. Any backcountry visitor in GCNP who has encountered desiccated human coprolites in ancient occupation sites can relate to this fact. Like the dried animal dung left in overhangs, this material is not inert and harmless.

There are two basic mechanisms for decomposition of feces. Both depend on oxygen, either its presence or its absence. In a pasture, cow patties are decomposed in the presence of oxygen, that is, *aerobically*. Feces deposited in a cat hole are deprived of oxygen so that decomposition occurs much more slowly, or *anaerobically*. In either case, bacteria are largely responsible for the biodegradation. Aerobic bacteria work quickly and efficiently. Anaerobic bacteria are often poisonous, have slower metabolisms, slow the decomposition, and create foul odors and high pathogen survival. Research done in the Sierras and Montana's Bridger Range found essentially nil decomposition and pathogen destruction after 1 to 3 years in cat holes or latrines.

At best, cat holes operate on the principle of "out of sight, out of mind" unless the hole is too shallow to begin with, or urgency dictates that a flat-rock cap will serve as well, or the next desert thunderstorm flushes out the mess, or a curious animal digs up the deposit.

While we clearly support the introduction of Human Waste Containment Bag (HWCB) systems, this will require much more effort on the part of the NPS than we see presented in this plan.

It should be noted that "Blue Bag, Wag Bag", or other HWCB systems DO NOT render feces safe, non hazardous, inert or non infectious. Misinformed marketing terminology has crept insidiously into commercial and agency propaganda. A typical statement might be worded thusly... *"For day hikes and when the river trip is in progress between camps, trips must as an alternative use toilet systems of the type that use dry chemical/enzymes to render solid human waste into nonhazardous products acceptable for disposal in permitted landfills. (Products currently known to meet this criteria and render solid human waste into nonhazardous products include the PETT System from Phillips Environmental Products, Inc and the Restop 2 from American Innotek, Inc.)"* (cite GRCA Noncommercial River Trip Regulations, revised October 26, 2015, page 18 of 31)

The above statement is misleading and untrue. According to the manufacturers themselves, nothing in the dry powder found in some bag systems is intended to reduce the health hazards inherent with human feces. They are intended only to gel the liquid portion (urine) and to offer some deodorization. As for claims of hastening decomposition, little, if any, decomposition occurs in the time frame of normal usage. Users of the wide array of Human Waste Containment bags on the market today bear the responsibility for determining if the ultimate destination of the bag is a permitted landfill.

While we support GRCA in moving toward a human waste carry out default method for managing human waste in the backcountry, much more information on exactly how this important program will be conducted needs to be provided in this BMP. The BMP needs to review how backcountry users will manage their own waste in a safe and sanitary manner.

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## River Assisted Backcountry Travel

River assisted backcountry travel has been occurring in Grand Canyon National Park since the 1950s. (cite Grand Obsession by Myers and Butler, pg 116). The DEIS notes *“While RABT has been documented at the park for some years (Butchart 1996), little is known about the activity and further research is needed to address potential impacts on visitor experience and/or park resources.”* (cite DEIS pg 156)

The DEIS refers readers Grand Canyon’s Compendium of Closures and Use Restrictions (NPS 2013g) for further information on the main RABT restriction, which is a five-mile river-travel limit as part of any overnight backcountry trip. The DEIS cites the following URL <http://www.nps.gov/grca/learn/management/publications.htm> for further information (cite DEIS pg. 157) The 2013 Compendium referenced at the URL above is no longer listed on the above web page, and is no longer available on the Grand Canyon National Park website. In reviewing RRFW’s copy of the 2013 Superintendents Compendium, there is no rationale given for the imposed five-mile limit. (cite 2013 Superintendents Compendium).

Clearly, RABT has been documented at the park for over fifty years, park planners admit that “little is known about the activity” and a five-mile restriction on travel has been implemented with no supporting documentation.

The DEIS offers a somewhat better review of RABT activities, but fails to note that most RABT activities that include remote canyoneering occur in the bottom of side canyons that are scoured out by normal floods causing complete vegetative stripping. Impacts to riparian areas by RABT are minimal at best.

Given that the planners of this document admit little is known about this activity, especially how dividing the river into many small regions may adversely impact the resource, we support Alternative C which divides the river corridor into 11 sections, averaging about 29.5 miles long and defined by reasonable entry and exit points.

## Mountain Bikes in Wilderness

We support the DEIS planners decision to prohibited the use of bicycles in Grand Canyon’s Wilderness and on Inner Canyon trails.

## Deer Creek Narrows Closure

On April 17, 2012, Grand Canyon National Park released the 2012 Superintendent’s Compendium. It stated *“Deer Creek Drainage, river mile 136.9, right bank of the Colorado River.*

*Rappelling or ascending and descending on ropes, webbing, or other climbing and rappelling devices, whether natural or man-made, within Deer Creek is prohibited. This restriction extends from within the watercourse of the creek beginning at the Patio (northeastem - most part of the Deer Creek Narrows) and extending to the base of Deer Creek Falls.*

*(This restriction is necessaty (sic) for the protection of a significant cultural resource).”*(cite 2012 Superintendent Compendium)

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The 2012 Compendium is not on the Grand Canyon National Park website anymore, nor is the text included in the DEIS. This closure was very contentious and the Superintendent at Grand Canyon noted in a letter to upset constituents (the text of this letter is also missing from the DEIS) “*When I made the decision to put the restrictions in the Superintendent's Compendium, neither I nor park staff believed the restriction would be controversial in nature. However, based on the number of letters and emails we have received since implementing the restriction, the number of participants on the conference call last week, and the content of the conversation on the conference call, it is clear that the decision to restrict access to Deer Creek is more contentious than we initially understood.*” (cite GRCA correspondence September 20, 2012, N1623 (GRCA 8226 x 8213))

In searching the DEIS, though the Deer Creek Narrows is identified and mentioned with each Alternative review, there is little review of how the issue was handled, and there is even less creativity in how to resolve the issue of access to these narrows.

It should be noted that visitation to the Deer Creek Patio by over one hundred river runners daily in the summer season is via a trail system on the ledges of the upper Narrows. This trail system goes past sensitive archeological resources, and adversely impacts vegetation. The DEIS notes “*The Patio section of the Deer Creek area would continue to be open to visitation; during peak river use season this area receives high levels of visitation.*” (cite DEIS pg 486)

We find the DEIS deficient is disclosing any actual numbers of daily visitation to the Patio or the Narrows below the Patio. The Park has this data via the intensive Deer Creek monitoring done as part of the Colorado River Management Plan Resource Monitoring which stationed NPS staff at the Deer Creek Patio to count actual visitation numbers. While the DEIS fails to state how many people actually visited the Narrows below the Patio where canyoneering activity occurs, the best estimate based on RRFW members observations on pre closure levels is ten to thirty people a month. This omission must be corrected and leaves this DEIS deficient without these figures.

The DEIS notes under the heading of “**Deer Creek Narrows**” that “*Ethnographic resources located in the narrows are disturbed by trailing and vandalism, crowding, inappropriate behaviors on-site and altered access to traditional use locations*” (cite DEIS pg 380). While this is a true statement for the upper narrows where over 100 river runners frequent the Patio and upper Narrows area daily in the summer months, this is an incorrect, misleading and inaccurate statement as applied to the watercourse in the bottom of the Narrows where the closure is in effect. There are no trails in the bottom of the Narrows, no crowding, no vandalism and no inappropriate behaviors. These activities may be occurring along the upper narrows river runner trail and the Deer Creek Patio where no restrictions to visitation apply, but these activities are not occurring in the **Deer Creek Narrows** below the Patio.

None of the Alternatives listed has embraced what other service units within the National Park Service have successfully done with regards to the cultural collisions between First Nations and the general public that finds significant spiritual appreciation for nature and wilderness in places like the Deer Creek Narrows. The NPS allows climbing on Devil's Tower in Devil's Tower National Monument part of the year, and allows for a voluntary climber free season as well. See <http://www.nps.gov/deto/planyourvisit/climbing.htm>

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for details. Devils Tower National Monument has incorporated a year-round voluntary permit system with a strong component of climbing education to sensitize non-First Nation members to legitimate First Nation concerns. We are in total support of such an approach, where the NPS awards canyoneering permits to the Deer Creek Narrows seasonally, say in the winter months as an example. This DEIS as written is inadequate in that it is missing this simple solution in any of the proposed Alternatives.

## Commercial Use Authorizations versus Concessions contracts

At present, commercial backpacking in Grand Canyon National Park is allowed through the use of Commercial Use Authorizations (CUA's).

Data obtained from Grand Canyon National Park on February 4, 2016, and up till then missing in the DEIS, showed that there were 39 CUA's listed as doing less than 4 trips a year between 2000 through 2015 and only 6 of those received permits in 2015.

This same data showed that 13 CUA'd were doing 4 to 10 trips a year between 2000 and 2015. Of those 13, 8 of the 13 received permits in 2015.

This same data showed that 11 CUA's were doing over 10 trips a year between 2000 and 2015. Of those 11, 7 of the 11 received permits in 2015, and of those 7, they range in permits per year as follows: 12, 15, 17, 48, 53, 90 and 273.

Given the above information, in all the Alternatives B through D, Grand Canyon National Park proposes to do away with fifteen small businesses operating in the regional economy. These businesses compete against one another, keeping costs low and quality high, practices typically found in business activities where free market forces are allowed to operate.

Guided backpacking trips run between \$300 and \$400 per night (<http://www.wildlandtrekking.com/grand-canyon/hiking-tours.html>)(<http://www.pygmyguides.com/overnight-backpacks.htm>), (<https://fsguides.com/find-your-trip/backpacking/>), in comparison to the 2013 average price given of \$250 in the DEIS (cite DEIS pg. 179)

While we support elimination of all commercial activities in the potential wilderness of the Park as proposed in Alternative D, we do not support transitioning from the use of CUA's to the use of concessionaires in any alternative.

## Commercial Use Levels

In 2000, there were over 14 permits awarded to CUA's and about 650 awarded in 2015. Exact numbers of permits distributed to the do-it-yourself public and CUA's is not provided in this DEIS, but the DEIS notes, possibly for the year 2012, that "over 12,000 hiking groups (over 38,000 participants) succeed in obtaining one or more overnight backcountry permits" (cite DEIS pg 182)

Data obtained from Grand Canyon National Park on February 4, 2016, noted that:

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In 2000, the NPS awarded CUA's a total of 65 corridor permits for 217 people  
In 2015, the NPS awarded CUA's a total of 363 corridor permits for 2,106 people

In 2000, the NPS awarded CUA's a total of 83 other permits for 418 people  
In 2015, the NPS awarded CUA's a total of 287 other permits for 1,532 people

Given this dramatic growth in commercial use of guided backing services in the last fifteen years, the DEIS proposes in every alternative to increase commercial use above to 2012 User Night figures. No alternative decreases commercial use. Even Alternative D, which eliminates all commercial use in the backcountry, makes up for the backcountry loss by moving all the backcountry commercial use into the corridor, and then increases commercial use there.

While we support elimination of all commercial activities in the potential wilderness of the Park, we do not support an increase of commercial overnight guiding in the Corridor at or above the 2007 use numbers of 400 User Nights as noted in the use figures provided here:

[http://www.nps.gov/grca/planyourvisit/upload/BC\\_Statistics\\_2015.pdf](http://www.nps.gov/grca/planyourvisit/upload/BC_Statistics_2015.pdf).

## Tuweep

The 1995 GRCA General Management Plan offers some guidance for how the remote Tuweep valley and TorowEEP overlook should be maintained. The 1995 GMP noted "*Maintain Tuweep as a place for an uncrowded, rustic, and remote experience that is dominated by nature and solitude.*" and "*Maintain park roads at Tuweep in their current primitive, unpaved condition, and encourage access roads outside the park to be consistent with the vehicular experience to be provided inside the park.*"

In order to maintain this "*uncrowded, rustic, and remote experience*", we support the plan's action to limit commercial vehicle tours to two tours per day maximum, Monday through Friday, with one tour allowed each weekend day. Tour operators would be responsible to sort out thier visitation schedules to not exceed this limit.

The Draft BMP suggests closing the 2.4 mile Vulcan Throne Road. This is inconsistent with the 1995 GMP that noted "*Maintain park roads at Tuweep in their current primitive, unpaved condition.*" While we understand that there have been at least two fatalities on the trail that leads from the Laval Falls Trailhead to the Colorado River at the end of the Vulcan Throne Road, this road provides access to a point of exchange for river trip passengers on do-it-yourself river trips that we have used in the past, and would like to keep using in the future. We note that since additional educational signage was added to the Lava Falls Trail, no fatalities have occurred on this trail. We are in support of the Agency following its own GMP, and educating the public about the risks of recreation in the Park. I drove this road last year and it was exactly as the GMP suggested it be, primitive and unpaved.

We also do not support the closure of the road to the TorowEEP Overlook. While this action was listed in the GMP, we note that visitation to the overlook has been held in check by the degradation and lack of maintenance of the road between the ranger station and the campground/overlook in the area known as the "S." This is a very good and simple way to manage visitation in this area without closing vehicle access to this rim overlook entirely.



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## Proposed Road Natural Zone

We understand that on rare occasions, there have been up to twenty or more vehicles at one time concentrated at the end of one of the four North Rim overlooks in the primitive areas west of Kanab Canyon and east of the Tuweep Valley. It is also our understanding that these are rare events. While we support the NPS in limiting the number of vehicles and people in these areas, we would like to see the limits enlarged to allow two groups of up to 12 people and 6 vehicles per night allowed at the four locations in question, SB Point, Kanab Point, 150 Mile Canyon trailhead and the Tuckup Canyon Trailhead (called the Schmutz Road in this plan). Limiting trailhead parking to 2 or 4 vehicles, as is suggested in alternatives B, C and D, is too restrictive, and would not allow two groups of hikers and one camping group to access the end of the road.

## Adaptive Management

The DEIS proposes to use an Adaptive Management structure in the BMP. (cite BMP DEIS pg. 46) As outlined, the Adaptive Management structure has no mechanism to incorporate public participation before adapting the plan, nor does the framework suggest how the public would be notified of changes made to the plan using Adaptive Management.

At a webinar hosted by Grand Canyon National Park on Monday, February 8, 2016, Park planners filed the following question: *“Where would the public be involved in the Adaptive Management process?”*

Park planner Linda Jalbert noted: *“You can see from the slide there are several steps and the public could be involved at a number of these steps, including, you know, data gathering, but if the question is more about public input it could be between the Implement stage, you know, if we gathered more information we would make an attempt to share that information and provide that information to the public and possibly ask for comments on that information.”*

At this point, Superintendent Uberuaga noted: *“Yah, and I think that is really it Linda, the point is there have been some people who have pulled me aside in a couple of the public meetings where they said well, this is just a way to cut us out, a couple of comments, and I just want to speak out loud about that there are a number of ways to be involved in that. It could be as simple as saying “Hey” these are the issues and we are going to put up a press release, uh, we’d like your input, so we are, uh, always trying to listen to our public. We are just trying to streamline everything so we can be timely and effective in any adaptive management applications that we need, uh, without taking three or four years to come up with a decision.”*

The above comments by Park planners demonstrate that the DEIS Adaptive Management program lacks any structure to outline public participation in the Adaptive Management framework. This deficiency in the DEIS needs to be addressed.

It should be noted that with regards to the GRCA Colorado River Management Plan, the CRMP has an Adaptive Management component to the plan that also has not outlined a public participation

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structure. (CRMP FEIS Vol 1 pg. 20) As such, River Runners for Wilderness has been requesting reasonable adaptations to the CRMP for a decade now, with no change in the Plan and very little acknowledgement of the issues RRFW has been and continues to raise. We note the river concessionaires have received adaptations that clearly benefit their commercial needs at the expense of the resource and the quality of do-it-yourself river trips while the do-it-yourself river runner needs are ignored.

We also note a decade of inconsistent public outreach by the Park when Adaptive Management changes are made or considered in the CRMP. The present structure has allowed the Park to “pick favorites” in outreaching to some interested organizations while attempting to ignore others. Ongoing management decisions need to include all interested parties, and must be clearly defined as to how the public can participate in Adaptive Management changes every step of the way. Clearly, this flaw in the Adaptive Management process must be addressed.

In conclusion, we appreciated providing scoping comments to the BMP revision in 2011, and we appreciate greatly being able to provide comments to the draft BMP. Given our above concerns and comments, we are not in support of any of the Draft Alternatives as written, and request that Grand Canyon National Park revisit and re-present its Draft Alternatives for the Backcountry Management of Grand Canyon National Park with the supporting documentation the public needs to make well informed comments about the above issues that make up the Backcountry management Plan for Grand Canyon National Park.

Sincerely,



Tom Martin  
Council Member  
River Runners for Wilderness