

# RIVER RUNNERS FOR WILDERNESS

A PROJECT OF LIVING Rivers

July 15, 2014

Secretary of the Interior  
The Honorable Sally Jewell  
Department of the Interior  
1849 C Street, N.W.  
Washington DC 20240

Dear Secretary Jewel,

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

Since 2002, River Runners for Wilderness (RRFW) has represented a broad spectrum of river runners, wilderness lovers and American citizens who care about the wilderness river resources in the Colorado River watershed. Our members, now numbering over two thousand with outreach to over 10,000 whitewater enthusiasts, continue to have a deep concern for the future of the wilderness values of the Colorado River watershed and the management of these national treasures.

Our members view this construction proposal as akin to building a gondola ride to the top of the United States Capitol Dome. We are not alone in this view, as the Hopi Tribe and many Navajo view Mr. Whitmer's proposal as being horribly offensive and a desecration of an incredibly sacred site.

We would like to bring to your attention an existing mechanism that allows the Department of Interior to work cooperatively with the Navajo Nation in the preservation and interpretation of the area Mr. Whitmer would like to develop. This would be done through the development of resource-protecting jobs.

It is possible your office is unaware of the fact that such a cooperative approach to the eastern half of the Grand Canyon is a mandate of your office as directed by Congress almost forty years ago. The basis for this statement is found in the 1975 Grand Canyon National Park Enlargement Act, PL 93-620, sections 2, 3a, 5, and 6.

The Department of Interior has always understood that jobs and resource protection go hand in hand, in support of the National Park System Organic Act of 1916 that declares:

"to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them

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unimpaired for the enjoyment of future generations."

The operation of Grand Canyon National Park proves that resource protection and interpretation can produce viable jobs to local members of the Grand Canyon community including citizens of the Navajo and Hopi Nations.

Furthermore, we wholeheartedly support Navajo tribal parks being operated by Navajo Nation members employed in the western Navajo Nation region, specifically with jobs that protect Tribal resources and sacred sites.

As you may be aware, one purpose of the 1975 Enlargement Act was to add to the Park the east side of Marble Canyon, up to the eastern rim, from the Little Colorado River north, if the Navajo Nation agreed to a transfer of jurisdiction.

However, the Navajo Nation made it clear, before and during the Act's consideration, that it was not interested in giving up title to the eastern half of Marble Canyon, and wanted the "existing situation" to continue. There has been no Navajo Nation action since the law was enacted in 1975. The result has been little or no interaction along the eastern side of Marble Canyon between Grand Canyon National Park and the Navajo Nation.

Of critical note in this present tramway proposal is the fact that interest in preservation and interpretation of Grand Canyon does not mean only possession in title, nor does it mean exclusive jurisdiction or exclusive administrative responsibility.

Congress recognized that fact, and the 1975 Enlargement Act went further than the possibility of adding additional Grand Canyon lands to Grand Canyon National Park. Recognizing that the Navajo Nation may not concur to a title and jurisdictional adjustment, the United States Congress clearly stated that the United States has a national interest in the east side of Marble Canyon for both interpretation of a complete Grand Canyon and the protection of same.

Below are the relevant texts from the 1975 Act, for your consideration and here edited with added emphasis to show relevance to the eastern Marble Canyon lands;

## *Declaration of Policy*

*Sec. 2. It is the object of this Act to provide for the recognition by Congress that **the entire Grand Canyon, from the mouth of the Paria to the Grand Wash Cliffs, including tributary side canyons and surrounding plateaus**, is a natural feature of national and international significance. Congress therefore recognizes the need for, and in this Act provides for the further protection and interpretation in accordance with its true significance. U.S.C. 228A*

*Sec 3a. Grand Canyon National Park shall comprise, **subject to any valid existing rights under the Navajo Boundary Act of 1934, all those lands, waters, and interests therein**, ... within the boundaries depicted on map 113-20,021 B. U.S.C. 228B*

RRFW would like to point out that the named map shows the eastern half of Marble Canyon

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with a boundary along the rim of Marble Canyon, with this accompanying text:

## ***MARBLE CANYON EAST Proposed Boundary on Canyon Rim***

***Note: Subject to Concurrence of the Navajo Nation***

*Sec. 5. No land or interest in land, which is held in trust for any Indian tribe or nation, may be transferred to the United States under this Act or for purposes of this Act except after approval by the governing body of the respective Indian tribe or nation. U.S.C. 228D2*

*Sec. 6. In the administration of the Grand Canyon National Park, as enlarged by this Act, the Secretary is **authorized and encouraged** to enter into cooperative agreements with other Federal, State and local public departments and agencies and with **interested Indian tribes** providing for the **protection and interpretation of the Grand Canyon in its entirety**. Such agreements shall include, but not be limited to, authority for **the Secretary** to develop and operate interpretative facilities and programs on lands and waters outside of the boundaries of such park, **with the concurrence of the owner or administrator thereof**, to the end that there will be a unified interpretation of the entire Grand Canyon. U.S.C. 228E*

The United States Congress has “authorized and encouraged” your office to take an interest in the entire Grand Canyon both inside and **outside** the boundary of Grand Canyon National Park. That national interest is clearly spelled out as interpretation and protection. The 1975 Act recognized the Navajo Nation's interest in the welfare and well-being of its people, and their advancement based on section 6 activity. These joint recognitions form the foundation of cooperative action for the planning and implementation of sec 6 facilities and programs.

As we said above, interest need not mean only possession in title, nor mean exclusive jurisdiction or administrative responsibility. To see parts of Grand Canyon outside Grand Canyon National Park exploited in a non-natural way, marred by structures inappropriate to the Grand Canyon's natural scene, is to have the integrity of the Grand Canyon violated for the visitor and the nation's heritage. The goals of the 1975 Grand Canyon Enlargement Act were to present, interpret, and **protect the Grand Canyon in its entirety**. A Grand Canyon with man-made structures imposed on and in it is in violation of the intent of Congress. Congress intended that it is in the interest of the United States to protect the entire Grand Canyon as "a natural feature of national and international significance."

In fact, the addition of these lands, even with the concurrence requirement, was based on fears of inappropriate development below, on and beyond the rim from Lee's Ferry to the Little Colorado River Confluence.

The Navajo Nation has consistently spoken to the need for development of Western Navajo with job development. On Navajo Nation land east of the Colorado River from Lee's Ferry to the Confluence with the Little Colorado River up to the eastern rim escarpment, the Navajo Nation, prior to 1975, had already identified this area as a Navajo Nation Tribal Park. As such, the Navajo Nation must be involved to the highest degree in an active role of cooperation, concurrence, interest, and approval as the governing body.

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The 1975 Act envisioned both the United States and the Navajo Nation as being active and interactive with each other for the protection and interpretation of this region of the Grand Canyon including **to develop and operate interpretative facilities and programs** on this land using United States financial resources. The Act recognized the interest of the United States and the Navajo Nation in this region of Grand Canyon. **Congress encouraged concurrence, cooperation and joint involvement** in protection and interpretation of the eastern side of the Grand Canyon. This included the Colorado River in the entire Marble Canyon and adjacent plateaus with the approaches to the Grand Canyon with its unique setting of both geographic and human context. Specifically, such **a joint recognition would specify a joint set of criteria** for what will be allowed and appropriate in order to develop and operate facilities and programs to protect and interpret this area of the Grand Canyon.

It is clearly in the best interest of both the United States and the Navajo Nation to develop modest infrastructure in this east side area. The interest of the Navajo Nation is not only in the protection and interpretation of this region, but in the welfare of its people and the existing residents of this area. In this case, the Navajo Nation would become a joint interest partner of the United States. The United States would provide appropriate funding and the Navajo Nation would provide locally approved and administered actions. These actions would include employment along with infrastructure development and improvement that provides for the protection and interpretation of this region of the Grand Canyon.

The Secretary is the mandated participant on the part of the United States, to take action to bring about cooperation with the Navajo Nation. Therefore it is your duty, as directed by Congress, to immediately express this interest to the Navajo Nation and to begin negotiations with the Navajo Nation to provide for the implementation of the 1975 Act.

River Runners For Wilderness looks forward to hearing from you about how you intend to proceed with this exciting opportunity to use the 1975 Act to care for the Grand Canyon and protect it from Mr. Whitmer's grotesque development.

Sincerely Yours,

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