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Deirdre McLaughlin
Kaibab National Forest
Williams Ranger District
742 S. Clover Road
Williams, AZ 86046

Submitted electronically to: comments-southwestern-kaibab@fs.fed.us

Re: Tusayan Roadway Easements Application

Dear Ms. McLaughlin:

I represent the Havasupai Tribe (Tribe) and these comments are submitted on their behalf. These comments are submitted in response to the Kaibab National Forest request for comments on the scope of the environmental review for Application 46776 submitted by the Town of Tusayan and Stilo Development Group USA for expanded roadway easements for access and utilities for two inholdings known as Ten X and Kotzin. These comments incorporate the comments in the letter I sent to District Ranger Nicholas Larson on March 13, 2013 on behalf of the Havasupai Tribe on this same topic.

The Havasupai Tribe opposes the large development proposed by Stilo Group for these two parcels. The Tribe urges the Forest Service to reject the application. The Forest Service has the discretion to reject the application because it lacks a public or Forest Service purpose, reasonable access is available to both parcels and the applicant has not provided sufficient information to adequately evaluate the impacts.

The Forest Service cannot limit the review to the roadway easements but must also include the developments to be served by those roadways. This requires additional

information and based on what information is otherwise available about the proposed developments, this will require a full Environmental Impact Statement (EIS).

As development information becomes available, the Tribe urges you to consider consolidated development along Highway 64 in the area of existing commercial development to minimize impacts. This will require a land exchange for development of a size and density that can be approved by the Forest Service and would limit the dispersed impacts from development on the 10 to 12 inholdings owned by the Stilo Group.

The application for roadway easements and any alternate Stilo development option require a full environmental impact statement because of the potential for significant adverse impacts to this treasured and unique location and because of the extensive public interest. The Tribe actively participated in the 1997-1999 EIS process for Tusayan Growth and looks forward to engaging in government-to-government consultation with Kaibab National Forest throughout this process.

The Town of Tusayan, the proposed area for development, all suggested roadways and the private inholdings are within the exclusive aboriginal territory of the Havasupai as determined by the Indian Claims Commission in 1969. The Tribe retains an ongoing religious, cultural and historic affiliation with this land.

Congress confirmed the Tribe's affiliation for itself and on behalf of the tribal members in the 1975 Grand Canyon Enlargement Act, P.L. 93-620 at Section 1(c):

Nothing in this Act shall be construed to prohibit access by any members of the tribe to any sacred or religious places or burial grounds, native foods, paints, materials, and medicines located on public lands not otherwise covered in this Act.

The Forest Service lands to be impacted by this application are "public lands not otherwise covered" by the Grand Canyon Enlargement Act to which tribal member access must be assured. Access must be a meaningful access with the Forest Service taking all necessary actions to preserve "sacred or religious places or burial grounds, native foods, paints, materials, and medicines."

Kaibab National Forest conducted a rigorous environmental review for Tusayan Growth that culminated in a Record of Decision (ROD) signed August 6, 1999 for development by Stilo Group on exchanged lands. The current development as described in the agreements between the Town and Stilo includes many of the same development features that were approved in 1999. Figure 6 of the ROD highlights the six key reasons for selection of the Alternative H, the Environmentally Preferred Alternative:

1. It permits the Forest Service to acquire inholdings totaling 2,118 acres;
2. It protects cultural resources on the inholdings;
3. It does not use groundwater for the primary water supply;
4. It reduces risk and impact to Grand Canyon seeps and springs;
5. It protects plants and habitat for wildlife on the inholdings; and
6. It incorporates principals of sustainable design and resource conservation.

No less rigorous environmental review should take place for this application than was provided in the Tusayan Growth EIS. Granted, this application does not at present include an exchange of public lands, but the development is of a similar or larger size and the impacts to the environment are potentially greater because of the dispersed development within the forest. The process and ultimate decision must preserve the same values as identified in the Tusayan Growth EIS.

The alternatives to be reviewed should include a land exchange for all Stilo inholdings as an alternative that will lessen the adverse impacts to resources.

The Tribe provides the following additional comments on the scope of information that indicate the need for an EIS and that should be included in the environmental review:

- Tusayan Growth:
 - The current Town of Tusayan does not include land for housing or community services. However, these services are the responsibility of the Town and should not be provided at the expense of protection of forest and other resources.

- The development of the inholdings at both Kotzin and Ten X will leave a gap of National Forest land between private land holdings within the Town limits. The environmental review should address how the Forest Service will manage this land. It should also include the possibility that the Town will seek to develop the “gap” land along the roads to both Kotzin and Ten X. The Town previously requested the transfer of land from the Forest Service for community services. Permitting this type of “island” development on inholdings increases the likelihood that the Town will grow to fill in the gaps.
- The environmental review should include not just the increased traffic along the improvements to the Forest Service roads but also the roads within each of the proposed developments. This should include impacts from the addition of bike trails and the increased possibility of extensive disturbance to the public lands in the immediate vicinity of the developments including dispersed camping along the improved roads and adjacent to the developments.
- Groundwater protection:
 - The Application includes utility easements for water and wastewater. But, neither the Application nor the Development Agreement between the Town and Stilo identify the source of water, the amount of water needed or the amount of wastewater that will be generated. It is impossible to determine impacts on water resources from the proposed development without information on the water supply.
 - The Town of Tusayan and all the commercial development in Tusayan rely on groundwater from the Redwall-Muav aquifer. This is the aquifer that provides water to the major springs in Havasupai that supply Havasu Creek. The current water use is taking water from these springs. The Tribe is in the process of taking legal action to protect these resources and puts the Forest Service on notice that the water resources of the Havasupai are a trust resource of the United States that must be protected.
 - If expanded groundwater use is considered in the environmental review the potential impacts from the Canyon Uranium Mine to the sole source municipal supply should be included.

- Stilo Group proposed an alternate imported supply for development under the Tusayan Growth EIS. Stilo Group indicates that they are considering using the former slurry pipeline to import water for their development and for the Town of Tusayan. This alternate water supply should be considered in the environmental review.
- All other potential alternate water supplies should be included in the environmental review including hauling water. The Town of Tusayan originally developed using hauled water before the two main families and companies drilled groundwater wells. Hauling or importing water was evaluated in the Tusayan Growth EIS and is key to a responsible decision on this application.
- The environmental review should include analysis of the cumulative impact of groundwater development on springs and seeps on the Coconino Plateau that has occurred and is occurring from groundwater withdrawals in the City of Williams, Valle, Tusayan, Canyon Uranium Mine and at other locations on the Plateau and along Highway 64 including the proposed expansion at Grand Canyon National Park Airport.
- Protection of religious, cultural and historic sites:
 - The area around both the Kotzin and Ten X parcels include significant cultural resources for the Havasupai Tribe. These have been previously identified for the Forest Service in relation to the EIS for Tusayan Growth and during other meetings including at a site visit to the Ten X area among tribal elders, council members, Michael Lyndon and other Forest Service staff approximately three years ago. The environmental review must include a plan for the avoidance and protection of these sites.
 - Havasupai historically camped at or near the Ten X parcel. This land and the surrounding area are likely to contain significant archeological resources that must be protected.
 - The Forest Service should engage in early consultation with the Tribe about religious, cultural and historic properties along all proposed roadways and in the area likely to be impacted by increased development of each parcel.

- The Red Butte Traditional Cultural Property is near the proposed development and in close proximity to other inholdings owned by the Stilo Group. The Forest Service should consider alternatives that provide the greatest protection for Red Butte TCP.
- The environmental review is required to include full archeological surveys before any ground disturbing activities.
- The proposed Stilo Developments include permanent housing and extended stay facilities and include the necessary amenities such as a grocery store to increase the number of people living within the National Forest. Increasing the length of stay and having permanent residents increases the opportunities to disturb previously undisturbed resources within the Forest Service. This must be considered in the environmental review.
- The Coconino Plateau provides habitat for numerous endangered species and plant and animal species of importance to the Havasupai. The Forest Service must consider all impacts to species from the road, increased traffic and development on both sides of Highway 64.
- Other topics to be included:
 - The potential increase in the possibility of wildfire and its impact on all resources including cultural sites and water resources.
 - The cumulative impact to National Forest and National Park resources from the increased population and increased visitation and permanent residents should be included in the environmental review.

In conclusion, the Forest Service should reject the application or in the alternative prepare a full environmental impact statement similar in scope and detail to that completed in 1999 for Tusayan Growth and the previous version of the proposed development.

If you need additional information please contact the Tribal Chairman, Rex Tilousi or me.

Sincerely,

Margaret J. Vick, JSD

Cc:

Rex Tilousi, Chairman
Havasupai Tribe

Roland Manakaja, Vice Chairman
Havasupai Tribe

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