



THE GRAND CANYON PRIVATE BOATERS ASSOCIATION

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Los Angeles District  
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May 25, 2021

Subject: Suspension/Revocation of SPL-2019-00602

The Grand Canyon Private Boaters Association hereby petitions for the suspension and subsequent revocation of the Letter of Permission for SPL-2019-00602 per 33 CFR 325.7. The LOP authorized the Navajo Nation to construct a dock on the south shore of the Colorado River within Grand Canyon National Park.

GCPBA is a non-profit organization established in 1996 to provide the self-outfitted boating public with an advocate and clear voice representing the interests of the private boating community for access to and enjoyment of running the Colorado River thru the Grand Canyon.

Contradictory Reasons

In the transmittal letter of their permit application, the Navajo Nation alleges that the boating community, both commercial and private, *“trespass into cultural and sacred sites, infringe on wildlife habitats and endangered species areas, as well as unpermitted and unauthorized hikers and campers intrude onto Navajo Reservation lands causing damage to fragile rock formations with graffiti and other acts of vandalism.”* GCPBA disputes this allegation. The Navajo have offered no documentation/evidence of any alleged violation.

The Navajo’s stated purpose is to facilitate river patrols. The Park Service has river patrol units in place, which monitor both commercial and private boater activity on the river. Additionally, the river patrol units monitor any violation of cultural and sacred sites. These sites are listed on all permits issued by the Park Service as areas where no visitation is allowed. Violators are fined and it is within the Park’s purview to airlift violators and their boating equipment out of the Park. Similarly, the Park Service can cancel a concessionaire’s contract should a commercial outfitter be in noncompliance.

On form OMB No. 0710-0003, part 19, of their permit application, the Navajo Nation states that the project’s purpose is to: *“facilitate recreational activities such as rafting, guided tours, boating, kayaking, fishing, hiking, etc.”* These activities fall under the jurisdiction and regulation of the National Park Service, and are prohibited per the Colorado River Management Plan.

Ms. Deibolt, Chief, Arizona Regulatory Branch, indicated that a permit application is evaluated based, in part, on reasons for the permit. The reasons provided by the Navajo Nation in their transmittal letter and permit application are contradictory. As stated in their application, the Navajo Nation wants to construct docks for commercial purposes. Their statement re conducting river patrols is not credible since they are costly and lack justification.

#### Public Opposition:

The Corps' guidelines state that a LOP may be issued if it "..... **should encounter no appreciable opposition.**" The GCPBA hereby voices its strong opposition to the Navajo's dock proposal. The total number of Park visitors that annually travel the river corridor is approximately 24,800 – this total breaks down to 6800 private parties and 18,000 transported commercially by 16 commercial outfitters. Visitors start their journey at Lee's Ferry, about 1-2 miles upstream of the proposed docks. Hence, each one would pass by the docks and witness the attendant commercial activities as described in the permit application. For many, traveling the Colorado River thru Grand Canyon National Park is a once-in-a-lifetime experience. The proposed docks would degrade their wilderness experience at the very outset of their journey.

#### Disputed Land Ownership

The special conditions of the LOP state, in part: ***"....The permittee understands and agrees that this LOP is only valid if the property on which the dock is connected is owned by the applicant or that legal rights to the activity have been secured in an agreement with the landowner."***

The legal findings that the Navajo/Park boundary is 1/4 mile east of the southern shore is ground that has been thoroughly plowed over the past decades. This boundary has been affirmed by the Department of Interior Solicitor General in a June 16, 1969 Memorandum entitled "Location of the Boundary between the Navajo Indian Reservation and Marble Canyon National Monument, Arizona." This finding has been reaffirmed in subsequent solicitor opinions. The Bureau of Land Management conducted its own review and stated in a November 29, 1991 letter that "the west boundary of the Navajo Indian Reservation is one quarter mile east of the Colorado River."

The Navajo claim the boundary to be at the middle of the river ..... and so, the decades long boundary dispute continues. Per Corps' guidelines: ***".....an LOP is a type of individual permit issued through an abbreviated processing procedure which includes coordination with Federal and state fish and wildlife agencies ...."***

It is readily apparent that the Corps did not follow its own guidelines by failing to confer with the Department of Interior and/or the Park Service as well as with the Arizona Fish and Wildlife Service. Had the Corps done so, it would have been communicated that landownership has been and continues to be in dispute. The Navajo Nation communicated as much in their August 25, 2020 letter to the Corps in which they ***".... request documentation, written or otherwise, on the National Park Service assertion of jurisdiction."***

In response, the Corps' Sept 24, 2020 letter stated that *"....the files for this project do not include information regarding land ownership boundaries or the jurisdiction of the NPS. The Corps is not in a position to resolve the perceived jurisdictional dispute between Navajo Nation and the NPS. Please work directly with the NPS to ensure your project is in compliance with any applicable NPS programs and requirements."*

The Corps' response is rather cheeky. To direct the Navajo Nation to work with the NPS re compliance with programs and requirements is passing the buck. The central issue is landownership – resolution of which rests with the DOI and not the NPS. The DOI/NPS didn't authorize construction of the docks, the Corps did.

Given the aforementioned, the Corps failed to follow its own guidelines by issuing an LOP giving authorization to the Navajo Nation to construct docks within one of this Nation's premier National Parks. GCPBA hereby, respectfully, petitions the Corps to suspend and subsequently revoke the LOP per 33 CFR 325.7. Upon suspension of the LOP, we request notification should the Navajo Nation request a public hearing.

As a courtesy to our constituents, we request a response to our petition via email at [gcpbemail@gmail.com](mailto:gcpbemail@gmail.com) and our postal address below.

Thank you,



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