

October 6, 2015

Heather Provencio, Forest Supervisor
Attention: Mike Lyndon, Tribal Liaison
Kaibab National Forest
800 South Sixth Street
Williams, Arizona 86046-2899

Re Tusayan Roadway Easements

Dear Supervisor Provencio,

Congratulations on your appointment as Forest Supervisor of Kaibab National Forest. The Hopi Tribe claims cultural affiliation to earlier cultural groups on the Kaibab National Forest and we support the identification and avoidance of our ancestral archaeological sites which we consider to be “footprints” and Traditional Cultural Properties. Therefore, we appreciate your continuing solicitation of our input and your efforts to address our concerns.

We wish to bring to your attention our enclosed letters dated May 28, 2015 and October 28 and November 17, 2014 to the former Forest Supervisor, in response to a Briefing Paper and Talking Points dated September 12, 2014, regarding a Town of Tusayan and Stilo Development Group USA LP (Proponents) Special Use Permit Easement Application across Kaibab National Forest (Forest) land. The Special Use Permit Easement Application is part of plans for substantial development of private inholdings owned by the Proponents adjacent to Grand Canyon National Park.

In review, in our enclosed October 28, 2014, letter we reiterated that Grand Canyon and Red Butte are Traditional Cultural Properties of the Hopi Tribe. We stated that we understood that the Town of Tusayan, incorporated in 2010, has now applied for transportation and utility access across the Forest’s Tusayan Ranger District. These proposed improvements include 80-foot wide and 28,220 foot long segments of existing forest roads and construction of new segments to provide an all-weather paved road and utility services to two privately owned in holding properties. We asked if the Proponents are a single governmental entity, or if the Town of Tusayan is a governmental entity created to provide policy applicant status the Stilo Development Group.

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The Hopi Tribe, other tribes, the Park and other groups are opposed to any development in the area because of concerns over impacts to seeps and springs within the park and increased visitation. The proposed development includes more than 2,000 homes and 3 million square feet of commercial space near the Park entrance. We also understand a water source for increased development has not been identified and both inholdings are accessible via existing forest roads. Therefore, we have concluded that this application involves reasonably foreseeable actions, described as Town-approved land use plans for the inholdings. The Forest must then consider the Town-approved land use plans for the inholdings in analyzing the proposal for road and utility access.

In our enclosed November 17, 2015 follow up letter, we stated we understood an environmental analysis to determine the effects of the proposed use would be conducted by the Forest. We reiterated that the Forest must analyze potential impacts of the proposed use to cultural resources pursuant to the National Historic Preservation Act, including conducting a cultural resources inventory of the area of potential effect and consultations to identify Traditional Cultural Properties that may be affected by the proposed use.

The former Forest Supervisor's December 5, 2014 response to our letters states that "the Town of Tusayan easement application as the only access to the Ten X Ranch and Kotzin Ranch properties is through National Forest." In our May 28, 2015 letter we responded that the existing roads to the ranches for the former land owners was for ranching, and not for the Proponent's mega resort development proposal. The former Forest Supervisor's response also states, "The Forest Service only recognizes the Town of Tusayan as the applicant. Questions about any agreement between the Town of Tusayan and Stilo Development Group are outside of the purview of the Forest Service and should be addressed to the Town."

In our letter dated May 28, 2015 we reviewed a Project Definition: Proposed Roadway Easements Tusayan, which cites a Pre-Annexation and Development Agreement and amendment between the Proponents that provides for all-weather access to the Kotsin and Ten-X Ranch inholdings. We stated we understood the Town's incorporation was approved by the State legislature but we also understood the Forest is not party to the Proponents' agreement and is not compelled to approve the proposed action and purpose and need pursuant to the Pre-Annexation and Development Agreement and amendment.

In our May 28, 2015 letter we asked: How can the Proponents enter into an agreement that provides for a highway through the Forest to the proposed development without the Forest's approval? Do the new Forest Management and Travel Management Plans address the proposed action for the existing roads to the Proponent's proposed development to become a paved highway with highway safety and traffic road conditions?

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Based on the proposed development and lack of identified water source, the area of potential effect for this proposal should include the roads, the ranches, the surrounding Forest, and the adjacent Grand Canyon National Park. We understand the Proponents have verbally indicated they will not use ground water, and that a water source will be identified in the Forest's analysis. The water source and its delivery to the development must then also be considered as within the area of potential effect for this proposal.

We have determined that this action will adversely affect the Grand Canyon Traditional Cultural Property, and will have a significant adverse effect on the environment. Therefore, we strongly oppose the proposed action. And therefore, unless the Forest identifies another alternative to the proposed action that meets the purpose and need of the Hopi Tribe and is responsive to our comments and the comments of other tribes and the public, we will support the no action alternative in the environmental assessment and support further analysis in an environmental impact statement.

And therefore, we reiterate our request for ongoing consultation on this proposal including being provided with copies of the cultural resource inventory report and draft environmental analysis for review and comment. We have also requested Traditional Cultural Property consultations on the potential adverse effects of the proposal to the Grand Canyon Traditional Cultural Property.

We also appreciate the Park, Flagstaff City Council, Sierra Club, and Friends of Flagstaff Future's and all others' opposition to the application. If you have any questions or need additional information, please contact me at the Hopi Cultural Preservation Office at [928-734-3611](tel:928-734-3611) or kuwanwisiwma@hopi.nsn.us. Thank you for your consideration.

Respectfully,

Leigh J. Kuwanwisiwma, Director

Hopi Cultural Preservation Office

Enclosures: October 28 and November 17, 2014, May 28, 2015 letters

xc: Offices of the Chairman, Vice Chairman, General Counsel

Grand Canyon Trust, Sierra Club, Friends of Flagstaff's Future

Superintendent, Grand Canyon National Park

District Ranger, Kaibab National Forest, Tusayan Ranger District

Arizona State Historic Preservation Office