



# HAVASUPAI TRIBAL COUNCIL

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September 27, 2019

Heather Provencio, Forest Supervisor  
Kaibab National Forest  
Supervisor's Office  
800 South 6th Street  
Williams, AZ 86046

*Submitted via email to: [heather.provencio@usda.gov](mailto:heather.provencio@usda.gov)*

**Re: *The Havasupai Tribe's Opposition to the Town of Tusayan and Stilo Development Group's Application for Road and Utility Easements in the Kaibab National Forest***

Dear Supervisor Provencio,

I write on behalf of the Havasupai Tribe ("Tribe") to urge you to deny the application for road and utility easements in the Kaibab National Forest that was recently resubmitted by the Town of Tusayan and the Stilo Development Group (the "Stilo proposal" and "Stilo project"). As in previous years, the Tribe remains opposed to this recent iteration of the Stilo proposal out of grave concern about the proposed development's threatened impacts to the Tribe's primary and near-exclusive water source - the Redwall-Muav Aquifer (the "R-Aquifer") - and the Tribe's sacred places on the Coconino Plateau.

Since time immemorial, the Tribe has resided on the banks of the Havasu Creek at the bottom of the Grand Canyon, on the upper Coconino Plateau, and along the Colorado River. Much of this area has formally been acknowledged as the Tribe's aboriginal territory. The Tribe actively and continuously utilizes the plant, animal, medicinal, cultural, and religious resources of these lands, and it intends to do so forever. In order to do so, however, the integrity of the R-Aquifer must be maintained. The source waters for the R-Aquifer originate in the snowpack and rainfall on the San Francisco Peaks, which is an incredibly sacred site for the Havasupai people, and the

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Coconino Plateau, which is the birthplace of the Havasupai people. Those waters travel downgradient and westward until they reach the R-Aquifer and discharge into the seeps, springs, and streams in Havasu Canyon, where the Havasupai Reservation is located and where most Havasupai people live today. These springs and streams, especially Havasu Springs and Cataract Creek, burst forth and supply Havasu Creek with the unique blue-green water and world-renowned falls that the Havasupai people are named for, that define the landscape of the Havasupai Reservation, and that sustain life in the Havasu Canyon. Approximately 95.4 percent of the discharge from the R-Aquifer occurs within Havasu Canyon, forming Havasu Creek, **which is the sole source of public water supply in the Village of Supai.**

The Town of Tusayan currently draws on the R-Aquifer for its water supply, and its existing demands for water are already jeopardizing flows into Havasu Creek and, by extension, the Tribe's livelihood. The Stilo proposal threatens to further strain the limited supply of groundwater from the R-Aquifer that the Tribe depends upon for its cultural identity and continued existence. Although the Stilo proposal would prohibit commercial use of groundwater, it nonetheless still proposes to support significant residential developments by pumping groundwater from the Town of Tusayan's existing wells. The Tribe's R-Aquifer water source cannot withstand even more stress from Stilo's proposed residential developments.

Moreover, while Stilo proposes to meet its commercial water needs by importing water via truck, many unanswered questions remain. The Stilo proposal does not identify the source of that water (perhaps still groundwater, and perhaps still drawing from the R-Aquifer), offer any guarantees that such a plan will not impact the R-Aquifer, or detail how its proposed two-lane roads (and the longer two-lane transport route) will accommodate twenty 6,000-gallon water truck deliveries per day during peak season.

Equally important, the Tribe is deeply concerned about how the Stilo project would impact its religious, cultural, and historic sites, especially Red Butte, which is near the proposed development. As an origin point in the Havasupai creation story and a traditional gathering place for Tribal members to conduct

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ceremonies and gather medicinal plants, Red Butte is sacred to the Tribe. The Kaibab National Forest has recognized this fact for some time and in 2010 recognized Red Butte's status as a Traditional Cultural Property for the Tribe. By developing permanent housing, extended stay facilities, and related amenities, the Stilo proposal is certain to increase the number of people living and staying longer in the Kaibab National Forest, which in turn increases the likelihood of residents and visitors disturbing previously undisturbed resources within the area. The Tribe is greatly concerned about the increased possibility of such disturbances, as significant physical impacts to Red Butte and the surrounding area would result in irreparable damage to the Tribe's ability to practice traditional Havasupai beliefs and ways of life.

The Forest Service rejected a previous version of the Stilo proposal in 2016, and the Tribe urges it to again do so now because Stilo's resubmission continues to fail to meet the minimum criteria for further processing set forth in 36 C.F.R. § 251.54(e)(1). Contrary to Section 251.54(e)(1)(iii), the current Stilo proposal would pose a "substantial risk to public health" by imperiling the Tribe's precious water supply from the R-Aquifer. Nor is the Stilo proposal consistent with the Kaibab Forest Plan as required by Section 251.54(e)(1)(ii). The Kaibab Forest Plan describes the Forest Service's shared stewardship approach to managing the Forest's resources in collaboration with the Tribe, which includes ensuring access to the Tribe's sacred sites and protecting the sustainability and availability of traditional medicinal plants and other botanical resources. The Stilo proposal would undercut these goals by adversely affecting the Tribe's traditional resources, sacred sites, and water supply.

Even if the Stilo proposal did manage to pass the Forest Service's initial screening criteria and proceed to second-level review, Stilo makes little effort to describe how its proposal is in the public interest, aside from stating that the project will improve public access to its private landholdings. As was the case with its previous application, there is significant evidence that the current Stilo proposal would instead go against the public interest by inflicting serious harm on the Tribe's water supply, lands, and people.

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The Tribe requests a formal government-to-government consultation with the Kaibab National Forest to further detail its concerns about the Stilo proposal. Please contact me to arrange this consultation as soon as possible.

Respectfully submitted,

A handwritten signature in blue ink that reads "Muriel Uqualla". The signature is written in a cursive, flowing style.

Muriel Uqualla, Chairwoman  
The Havasupai Tribe