

COMMENT LETTER

RESPONSES

The Hualapai Tribe of Arizona has myriad concerns regarding its reserved rights claims to the waters of the Colorado River mainstream, these comments are submitted in the context of the proposed stipulation intended to accomplish the settlement of the above referenced case. It is our hope that you will consider an early meeting with the Hualapai Tribe, together with the Havasupai Tribe and Navajo Nation, to discuss issues of mutual concern to these tribes. To that end, the Hualapai Tribe assures you that it is in unity with the concerns expressed by the Navajo Nation in its letter to you dated April 4, 2000.



HUALAPAI NATION
OFFICE OF THE CHAIRMAN

Chairman

P.O. Box 179 • Peach Springs, Arizona 86434 • (520) 769-2216

Vice Chairman

April 7, 2000

Mr. David Hayes
Deputy Secretary of the Interior - MS 7229
1849 C Street NW
Washington, DC 20240

RE: Proposed Stipulated Settlement - *CAWCD v. U.S.*

Dear Mr. Hayes:

Although the Hualapai Tribe of Arizona has myriad concerns regarding its reserved rights claims to the waters of the Colorado River mainstream, these comments are submitted in the context of the proposed stipulation intended to accomplish the settlement of the above referenced case. It is our hope that you will consider an early meeting with the Hualapai Tribe, together with the Havasupai Tribe and Navajo Nation, to discuss issues of mutual concern to these tribes. To that end, the Hualapai Tribe assures you that it is in unity with the concerns expressed by the Navajo Nation in its letter to you dated April 4, 2000.

The Tribe, likewise, expresses the concerns set forth in the comments submitted by the Ten Tribes Partnership regarding the proposed stipulation. The briefing held in Phoenix on March 14, 2000, provided very little opportunity for those in attendance to adequately express their concerns, both because of short notice of the briefing and the limited time available to discuss the implications of the proposal upon the water rights of the mainstream Tribes, both adjudicated and unadjudicated.

The Colorado River is the northern boundary of the Hualapai Reservation (which encompasses the lower portion of the Grand Canyon) for a distance of approximately one hundred twenty miles. It is superfluous to say that this is an area of great natural beauty which has been inhabited by the Hualapai since time immemorial. Although some economic benefit is realized from a development known as Grand Canyon West and through fees paid by outfitters

This document is an attachment to the Hualapai Nation's September 8, 2000 comment letter. All relevant comments are addressed above in the response to the September 8, 2000 letter.

COMMENT LETTER

RESPONSES

and guides, with a sustainable water supply the potential for future development and use of this area to the benefit of the Tribe is enormous, if done in a culturally sensitive manner.

The Tribe has subsisted on this land for hundreds of years, using the meager water resources available on tributary systems due to the lack of financial resources and the will of the United States to quantify and assist in the development of the Tribe's mainstream water rights in one of the great rivers of North America, which fortuitously flows through the Reservation. In *Arizona v. California*, the United States filed a claim on behalf of the Tribe only to abandon it without explanation. Some forty years later, the Tribe's trustee has neglected to take any action to protect the Tribe's water. Now, because the proposed action of the Department jeopardizes the future ability of the Tribe to access these waters for beneficial uses, the Tribe will fall further behind in its drive toward economic self-sufficiency.

The Navajo Nation has made a very coherent case for the quantification and development of the mainstream rights of the three tribes omitted in the *Arizona v. California* adjudication prior to, or at the least in conjunction with, the CAWCD settlement. To avoid redundancy, the Tribe will not repeat that analysis. The failure to quantify and protect the tribe's rights in the mainstream adjudication was a clear breach of trust. We believe that the Department will compound this breach of trust responsibility by going forward with this settlement without first addressing Hualapai's mainstream rights. The Tribe's only hope for development, including tourism, rests in its ability to access sufficient water resources to sustain such development. The settlement of this action, as proposed, may well deprive the Tribe of this one opportunity at self-sufficiency.

On behalf of the Hualapai Tribe, I urge you to convene an early meeting with the three mainstream tribes whose rights are not protected by decree. Thank you for your consideration.

Very truly yours,


Louise Benson, Chairwoman