

**Settlement Agreement**  
**Grand Canyon Private Boaters Ass'n v Alston**  
CIV 00-1277 PCT-PGR-TSZ (D. Ariz)  
January 10, 2002

**Plaintiffs:**

Grand Canyon Private Boaters Assoc., American Whitewater, NPCA, American Canoe Assoc., Elizabeth Boussard, Kim Crumbo, John Bachrach, Marty Wilson

**Intervenor:**

Grand Canyon River Outfitters Assoc.

**Defendants:**

Joseph Alston, Fran Mainella, Gale Norton, NPS

**Lawsuit:**

Plaintiffs claim defendants violated the Wilderness Act, Grand Canyon Enlargement Act, NEPA, NPS Concessions Policy Act, and other laws related to management of activities on the Colorado River and in the backcountry in Grand Canyon NP.

**Agreement:**

**CRMP**

- ✓ **Within 120 days** after agreement is filed and dismissal of claim, **NPS will initiate planning efforts** to update CRMP (1989).
- ✓ NPS will **host at least one public scoping meeting and public meeting** to receive public comments on the draft revised river management plan **in, at a minimum,** each of the following four cities:
  - Flagstaff, Phoenix, Salt Lake City, Denver**
- ✓ **NPS will consult** with appropriate individuals and entities, including but not limited to federally recognized Indian tribes.
- ✓ **Consistent with NEPA,** during CRMP planning process, **NPS will consider:**
  - **Appropriate level of visitor use** – consistent with resource protection and visitor experience goals;
  - **Allocation of use between commercial and non-commercial users**– allocation between different types of commercial users, and alternatives to current system of commercial/non-commercial allocation,

- In consultation with Hualapai Indian Tribe and other appropriate parties, **consider the continued use of helicopters** and alternatives to the use of helicopters to transport river passengers **in vicinity of Whitmore Wash.**
- **A no motors alternative.**
- **Range of services provided** to the public.

**Other Considerations:**

- ✓ **NPS to start process to review and revise 1988 BCMP** (Notice of Intent must be issued by December 31, 2005).
- ✓ **NPS will make available unused user-days from the commercial,** primary-season user-day allocation, if any, for the 2001 primary season – for use by noncommercial access during 2001 – 2002 secondary season. (Consistent with resource management objectives) process will be repeated through 2004 primary season and 2004 – 2005 secondary season.
- ✓ **NPS makes available** to Plaintiffs and Intervening Defendant:
  - Logs** showing number, date, purpose, number of participants and user days of administrative launches – including science and research launches.
  - Documentation of minimum requirement** analysis for those launches.

**Negotiated Time Frame:**

- ✓ **Initiate planning process within 120 days**
- ✓ **Issue final NEPA** compliance document by **12/31/2004**

**Estimated Time Frame for Planning Effort:**

Winter 2002	Notice of Intent to Federal Register
Winter 2002	Initiate consultation with tribes, agencies, etc.
Spring/Summer 2002	Initiate Public Scoping
Early Summer 2003	Release DEIS for internal and public review
Fall/Winter 2003	Scoping on DEIS
Winter/Spring 2004	Release FEIS/ROD for internal and public review
Late 2004	Final CRMP, EIS, ROD

- ✓ All 16 current river running concessions contracts expire on 12/31/2002 (contracts can be extended up to three years).

**Key Messages and Talking Points:**

Today's dismissal is the result of a negotiated settlement among the Plaintiffs, Federal Defendants, and Intervenor.

The NPS believes the Agreement is an equitable resolution and is in the best interest of the public, and we are pleased to be resuming the CRMP planning process.

The negotiated settlement commits the NPS to restarting the river planning process within 120 days after entry of an order dismissing the lawsuit. The settlement also commits the NPS to restarting the backcountry planning process subsequent to the completion of the CRMP.

The NPS holds the responsibility for this planning effort. A great deal of time and effort has already been invested in the planning process and numerous sincere and well thought out comments were received and analyzed during that previous effort. That work and public involvement will not be lost as we reinitiate the CRMP. We will need to reanalyze the work that has been done and comments received to see what can be retrieved and what work still needs to be accomplished.

We know we have a great deal of work ahead of us and a short time to complete it. We recognize the issues presented in the CRMP will be potentially contentious and hope the parties and other interested public will work constructively to meet the intent of the CRMP, which is to address and resolve major issues surrounding management of recreational use activities within the Colorado River Corridor of GCNP and to mitigate the environmental impacts associated with those activities.

Issues that will be addressed in this planning process include but are not limited to:

- Appropriate level of visitor use – consistent with resource protection mandates.
- Allocation of use between commercial and non-commercial users
- The permitting system
- The level of motorized vs. non motorized use
- Consider the continued use of helicopters and alternatives to the use of helicopters to transport river passengers in the vicinity of Whitmore Wash
- Range of services provided to the public

There are several Native American tribes that as neighbors with cultural ties to the park have expressed their interest in the planning process for the management of the Colorado River. The NPS will seek input and consult with members of those and other affiliated tribes.

The park sees public involvement as a major component in the planning process. In addition to Native American Tribes, the NPS will actively seek out and consult with all interested members of the public, including but not limited to those who have already expressed an interest in this planning process, existing and potential visitors, neighbors, scientists and scholars, concessioners, cooperating associations, gateway communities, other partners and government agencies.

The public will be notified about the initiation of this planning process through a variety of techniques that will include the Federal Register, News Releases, information on the park's website, and public meetings. Additionally information may also be made available through articles in related publications and park newsletters.

**Funding:**

**NPS has committed \$2.4 million** in funds formally deposited in Colorado River Fund by commercial outfitters, and currently deposited in a concessions franchise fee account in the US Treasury.