



Tribal Relations and Conflicts around the Grand Canyon National Park

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ECL290- Grand Canyon Seminar

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Abstract

The Grand Canyon is a culturally important place for eleven tribes in the Southwest. It is described as the place of emergence for the Navajo, Hopi and Zuni. At the same time, the Grand Canyon National Park is a national treasure and world heritage site. With these accolades come many strong feelings about what and what should not happen within the Park's boundaries. After reviewing some of the history and current socio-economic statuses of the tribes with adjacent property to the National Park, discuss the un-freezing of the Bennett Freeze and the proposed Escalade project at the Confluence of the Colorado and Little Colorado rivers. In conflict are the Navajo Nation's right to develop on their land, the spiritual and cultural values of surround tribes, and the millions of National Park visitors.

Introduction

The Grand Canyon National Park (Park) recognizes eleven *affiliated* American Indian tribes who have historic cultural ties to the Park (NPCA 2010). There are more than 4,000 documented prehistoric and historic sites within the park boundaries, 420 of which are in proximity to the Colorado River itself. These cultural resources include historic structures, properties and “biological and physical resources that are of traditional cultural importance to Native American peoples such as springs, unique landforms, mineral deposits, native plant concentrations, and various animal species” (USGS 2011).

The Park service and other federal agencies are legally obliged i.e. due to legislation like the Historic Preservation Act, to consult with these tribes on any resource management issue. The Park “must ensure that resources valued by the groups of people traditionally associated with the park—long before its inclusion in the National Park System—are properly cared for, protected, interpreted, and available for traditional uses to continue” (NPCA 2010). However, there have been decades if not centuries of strife between actors in and around the Canyon. History provides an important reference for understanding current tensions and socio-economic conditions on tribal reservations adjacent to the Park.

Paleo-Indian evidence suggests human inhabitation in and around the Canyon 10,000 years ago, and again, more recently 4,000 to 2,000 years ago (NPCA 2010). Historic and current human interactions with the canyon include aspects of daily life e.g. farming, hunting, fishing, seeking fresh water, as well as activities related to the “deep spiritual significance” attached to the canyon by the Hopi, Zuni, Paiutes and others. Fast forward to the 1850s, increased settlement and tourism by European Americans led to increasing pressure to privatize and exploit the canyon land and its resources particularly by the late 1880s (Anderson and Hirst 2010). As Hirst (2006) explains in his ethnography of the Havasupai people, “One day, invaders appeared from the other side of the earth and said the Havasupai homelands were so beautiful they should be reserved for viewing, and the Havasupai were made to leave. All that remained to them of their homeland was the narrow bottom of the Havasu Canyon”. This led to conflict between the tribes occupying and using the land and incoming settlers and informs the current debate around the proposed development called the Escalade at the confluence of the Colorado and Little Colorado Rivers.

The Escalade is slated to be a multi-million-dollar 420-acre tourist attraction and resort, with aspects of the development located at the Confluence. The attraction would include a hotel, restaurants, and a gondola tramway from the rim of the Grand Canyon to an elevated river walk on the canyon floor (Lee 2014). The Escalade project sets in opposition, the sovereignty of the Navajo Nation and their desire for economic development, the sovereignty of other Tribes, the greater US conservation movement, and federal agencies

This paper first presents an overview of each of the four main tribes with adjacent land to the Grand Canyon and, in the case of the Hopi, with a stake in the proposed Escalade project site. It then discusses the Bennett Freeze, a development restriction lifted in 2009 that gave way to the potential for the Escalade to materialize. In closing, the Case Study reviewed aims to

present arguments in favor of and against the proposed project, to highlight the complexities of economic development, sovereignty, and conservation goals in the region.

Tribal Overview

The creation of tribal reservations and sovereignty was one way by which land use conflicts were resolved. Initially, in the 1800s, some tribes actively fought the military while others accommodated newcomers or undertook passive resistance. Only the Navajos were able to finalize a treaty with US Congress establishing their reservation in 1868, as by 1970 Congress stopped signing treaties with tribes. Additional reservations for tribes like the Hualapai and Havasupai were created through presidential proclamations. However, “as the political boundaries of Indian reservations and national parks were created, many of the tribes’ ancestral affiliations were overlooked by federal managers” (Balsom, 2001). Anderson and Hirst (2010) explain that “the National Park Service did a magnificent job eliminating state and private land claims with Grand Canyon National Park, but the public’s use of the park and boundaries drawn between the various land management agencies and American Indian tribes has proven much more complex and controversial. [...] twenty-first century issues concerning the proper use of America’s public domain grow ever more complex”.

Today, the Navajo, Havasupai, and Hualapai Reservations border the Grand Canyon National Park, however some boundaries are disputed. Tensions rose between tribes, the federal government, and conservation organizations that want to “restrict or control Indian uses of the Colorado River and adjacent lands” (Anderson and Hirst 2010), as indicated in the map in Figure 1, which shows 1972- present contested areas indicated by dashes, x’s and crosses. In some cases, the tribe and the Park agreed to disagree yet work cooperatively where boundaries are unclear in what is referred to as an “area of cooperation” (Balsom, 2001).

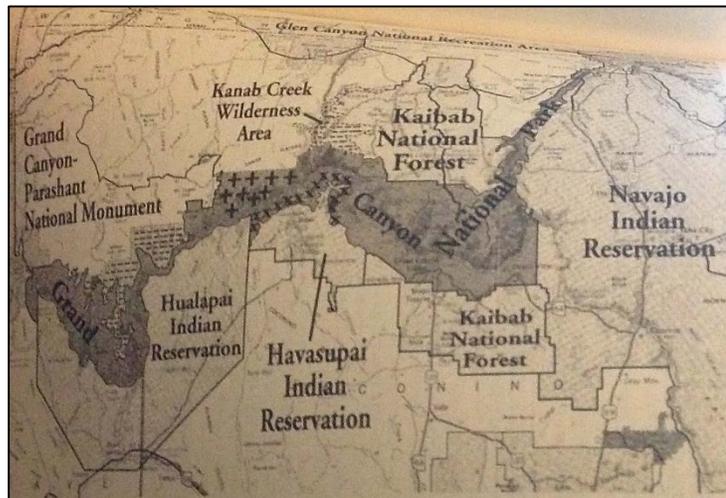


Figure 1. Havasupai Use Lands (Xs) were in a potential Wilderness status area, for example, during the 1970s Park enlargement discussions. (Map C, Ingram 2003)

“As the political boundaries of Indian reservations and national parks were created, many of the tribes’ ancestral affiliations were overlooked by federal managers. At Grand Canyon, the last ten years have seen a dedication to actively working with our neighboring tribes and including them in park management decisions. The relationship Grand Canyon has with the Havasupai and Hualapai are among the most complicated and vexing relationships the NPS has, largely due to conflicting legislation and diametrically opposed management concerns” (Balsom, 2001).

Eventually, the 1975 Grand Canyon Enlargement Act transferred hundreds of thousands of acres back to tribes. The Havasupai Reservation expanded by 185,000 acres and gained access to an additional 95,300 acres of the Park for traditional activities (Balsom, 2001). The Park and

the Hualapai have an “area of cooperation” but the Act extinguished any other land claims (Atencio 1996).

Hualapai: People of the Tall Pines



Hualapai legend says that the people came into the world near present-day Bullhead City, Arizona, and lived on the Colorado River banks until migrating to the Colorado Plateau. Hualapai or “people of the tall pines”, “derived their name as a result of their habitation in the pine covered mountains of northwestern Arizona” (Northern Arizona University 2005a). The Hualapai people “believe that the Colorado River forms the backbone of their lifeline and the center of the river is within their traditional land” (Balsom, 2001).

Traditionally they had 5 million acres in the region. They fought and lost an intermittent war with the US Military in the early 1870s, and settled on reservation land along the lower Colorado River— far from their homeland (Anderson and Hirst 2010) . Present Arthur assigned a new reservation on small part of the homeland in 1883. In 1947, the Sante Fe Railway traded out land grants within reservation boundaries which expanded the area to 1 million acres. The current reservation is 108 miles of Colorado River banks, and extends from Lake Mead to the Havasupai Reservation. This also makes them co-managers of 108 miles of Grand Canyon and key stakeholders in the Glen Canyon Dam Adaptive Management Program (Hualapai Department of Natural Resources 2011).

The Hualapai are “People of the Tall Pines.” While traditionally the tribe had 5 million acres in the Southwest, a reservation of 1 million acres was established in 1883. Of the 1600 people now living on the reservation, 1350 are tribal members. Peach Springs is the main population center and the major industry is government services. The tribe has a total membership of around 2,300 people, based on 2000 US Census Data. There are 362 households, of which close to 50% are single-female headed households. Half of the 1,500 Hualapai who live on the plateau next to the canyon are unemployed. Almost a third live below the poverty level. Their home is so remote that they have to truck in their water (Robbins 2007). Nearly 40% of Hualapai are under 18, the median age is 25, and tribal members are more likely to have lower household incomes than either the State or the County (Arizona Rural Policy Institute 2010a).

The Hualapai run two main tourist destinations, Grand Canyon West and the Grand Canyon Skywalk, a glass-bottomed walkway that juts 70 feet out from the canyon rim to see the river down below. After decades of high unemployment and poverty, the Tribe pinned its hope on Skywalk alongside the Grand Canyon West resort. They tried to have a casino in the 1990s boost the tribe's economic fortunes, but it failed and left the tribe \$1 million in debt. Now they have turned to tourism, the efforts have not been enough to sustain the tribe (Robbins 2007).

Despite tourism endeavors, tribal households are three times more likely (39%) to receive Food Stamps than are residents of the State (10%) and the County (12%) and then to have more public assistance income (4%) than the State at large (2%) and the County (3%). The tribal per capita Income (\$12,209) is about half that of per capita income for the County (\$21,523) and the State (\$25,680). Poverty rates on the Hualapai Tribe (41%) are more than twice as high as the State (15%) and the County (16%). More than half (53%) of all children under 18 years of

age are considered to be living in poverty, while one-third (32%) of tribal members between 18 and 64 also live in poverty (Arizona Rural Policy Institute 2010a).

In 2010, the tribal Chairman speaking at a Natural Resources Committee hearing took issue with their involvement with Canyon natural resource management. “Today, the Hualapai Tribe is relegated to a peripheral role in the monitoring and maintenance of Grand Canyon Resources, and that is not acceptable to us”, citing Federal agencies’ Trust responsibility to the Tribe to “ensure that the Tribe’s Federal Reserve Right to the main stem Colorado River is protected in quality and quantity for current and future generations”, for example (Whatoname, Sr. 2010). The Park also acknowledge difficulty in achieving meaningful tribal consultations and then lack of funding to support these efforts (NPCA 2010).

Havasupai: People of the Blue-Green Water

Hualapai and Havasupai were bands of the same tribe, divided and politically separate after European contact and US federal policies, according to anthropologists (Anderson and Hirst 2010). President Arthur proclaimed the Havasupai reservation in 1880, and it was finalized at 518 acres in 1882 around the village of Supai. After the reservation was created, the US Forest Service and National Park Service moved into their historical lands in the plateau. The loss of plateau lands above the Havasu canyon severely limited the tribe’s ability to be self-sufficient and ability to shift residences in harsh winter months (Hirst 2006).



Figure 2. Havasu Falls in Havasu Canyon, known for its blue-green waterfalls. Source: <http://www.havasuwaterfalls.com/waterfalls.html>

Throughout the 20th century, the tribe used the US judicial system to fight for the restoration of the land. In 1974, 425 Havasupai people approached the US Congress for the 8th time since 1908- a last chance appeal for their lands to be restored to them after decades of being relegated to a very small portion of the 3 million acres they used to travel. By this time in history, there were so many restrictions on land use adjacent to where the tribe was living their stock perished and land for forage started to cut into land where everyone was living. While always a difficult place to live, the land squeeze exacerbated hardships. The Grand Canyon Enlargement Act of 1975, added 200,000 acres to land and park usage rights around Supai, but also on the South Rim.

In the 1970s, half of the tribe’s income was from different federal sources. Presently, tourism is the major income generator for the tribe at nearly \$2.5 million annually alongside income from selling their gaming rights to other tribes. More than 20,000 visitors annually visit Supai by hiking, riding horses, or flying be helicopter eight miles down into the Canyon (HAVASUPAI-NSN.GOV 2010). In general, tribal

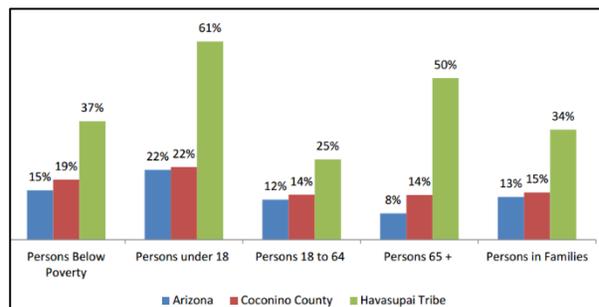


Figure 3. 2010 Persons in Poverty by Age in 5 year estimates, compared across the tribe, county and state. (Arizona Rural Policy Institute, 2010b).

members are more likely to have lower household incomes than residents of both the State and the County. Per capita Income on the Havasupai Tribe (\$12,707) is about half the per capita income of the County (\$22,632) and the State (\$25,680). One-fourth (26%) of all households on the Havasupai Tribe have incomes of less than \$20,000 when compared to the State (17%), and the County (20%). The Havasupai Tribe has a similar age profile to other Arizona tribes, with a greater percentage of tribal members under age eighteen and the median age is 27. Havasupai Tribe poverty rates or those classified as “severely poor” on the (37%) are twice those of the State (15%) and County (19%) generally (Figure 3) (Arizona Rural Policy Institute 2010b).

Hopi



As with other tribes, the current Hopi reservation occupies 1.5 million acres, a small portion of what is considered to be their ancestral territory. It is made up of 12 villages on three mesas: First, Second and Third Mesa. The twelve villages are self-governing and members of the tribe identify themselves with their village and clan, which is matrilineal. The oldest village has been continuously inhabited for more than 1100 years but it still doesn't have running water or electricity (Experiencehopi.com 2014). The Hopi reservation is also completely contained by the Navajo Reservation.

Despite the current reservation's distance from the Grand Canyon, or Öngtupqa, it is considered their people's point of origin point. The confluence is the “final spiritual resting place”. Hopis, as stewards of the earth given their spiritual pact or covenant with Ma'Saw (Yeatts 2007). Initiation ceremonies pass on the specific knowledge and training need to enter Öngtupqa without incurring spiritual danger. However, given that National Park and the Canyon's place as a World Heritage site, thousands of non-initiated people enter the Canyon. Yeatts (2007) outlined several ways to safely enter the Canyon:

- Show proper respect for the place.
- Treat it as the sacred location that it is and behave as you would in any other sacred space.
- Don't go to Sipapuni or the Hopi Salt Mines (Öönga)
- Leave archaeological sites as you find them.

The Hopi Salt Mine is the halfway point for a journey that begins and ends at the Hopi Mesas. It has been the culminating site in the initiation ceremony for tribal males into adulthood. The Hopi Salt Trail runs from Third Mesa past present day Tuba City, descends into the Little Colorado River at Salt Trail Canyon, and then to the confluence with the Colorado River and on to the Hopi Salt Mines. Initiated Hopis also collected salt from the Hopi Salt Mines outside of the salt pilgrimage. The Director for the Hopi Tribe's Cultural Preservation Office describes the Hopi relationship with Öngtupqa: "In many respects, it's a landscape that is really ingrained in our hearts as Hopi people" (Sottile and Dahlgren 2015).

Navajo

As mentioned previously, the Navajos finalized a treaty with US Congress to establish a reservation in 1868. This was after years of persecution by the US government. The Army collected the Navajo people for relocation in 1864, those that did not die in the struggle were forcefully marched on the "Long Walk" to the Bosque Redondo Reservation in New Mexico, essentially for imprisonment. During 18 days of marching, hundreds of the 8500 marching died due to starvation and cruel treatment. The Peace Commission and the Treaty of 1868 allowed the Navajo to return to their homeland after four terrible years of incarceration (Northern Arizona University 2005b). From 1868 to 1934, as the Navajo Reservation grew from 3.5 million to 16 million acres, it encircled and diminished the Hopi Reservation. Today, the Hopi Reservation occupies only 1.5 million acres.

The legacy of this Long Walk persists, say some academics. "Severe poverty, addiction, suicide and crime on reservations all have their roots in the Long Walk.... "I think it's really been a struggle to believe in our own ability to create, on the Navajo Nation, institutions and structures that will bring about prosperity and a way to live well" explained an associate professor of American studies (Morales 2014). Today, Navajo suffer from unemployment and high suicide rates. The population of the Navajo is ~173,000 with 58% living in Arizona, and the rest in New Mexico and Utah. A third of the households on the Navajo Nation have incomes of less than \$15,000. The incidence of poverty and household incomes below \$15,000 are both twice the state's figures. The median household income is \$27,389, about half of the State median income (Arizona Rural Policy Institute 2010c).

The Bennett Freeze

In 1966, the Bureau of Indian Affairs (BIA) Commissioner Robert L. Bennett enacted the Bennett Freeze. It was imposed during a land dispute between the Navajo and Hopi tribes. The BIA claimed development in this area had to stop, including everything from commercial construction to repairs to private dwellings, until the land dispute between the Hopi and Navajo could be resolved. A population of 20,000 people from both tribes now live in the former Bennett Freeze area, which includes more than 1.5 million acres. The Freeze was designed to prevent either tribe from building on the land given is ownership dispute. Others saw the Freeze as a "divide-and-conquer tactic" enabling outside industries to exploit resources (Minard 2012).The interpretation of this meant no home repairs and no new infrastructure for 50 years, leading to underdevelopment and residents without have running water or electricity, especially in the western chapters of the Navajo Nation.

The Navajo Nation and the Hopi Tribe signed an intergovernmental compact in 2006 to end the decades-long dispute. The terms were such that both tribes agreed to end dispute-related legislation, eventually leading to legislation that opened the area for development (Lee 2014). In 2009, President Obama signed legislation finally lifted the new development ban from the Bennett Freeze. Now that the freeze is lifted, projects like the Escalade are possible.

Case Study: Proposed Escalade at the Confluence

As mentioned in the introduction, the Escalade project is proposed to be built the confluence of the Colorado River and the Little Colorado River. It sets in opposition, the sovereignty of the Navajo Nation, the sovereignty of other Tribes, the greater US conservation movement, and federal agencies. Development on the east side of the Grand Canyon has historically been banned by the Bureau of Indian Affairs through the Bennett Freeze (1966-2009), as explained above.

One aspect of the conflict over the proposed project is rooted in land ownership and boundaries. The Navajo Nation contend that they have property rights above the high-water mark of the rivers, while Federal officials have not officially responded to the proposed plan, they point out that their jurisdiction extends to a quarter-mile on either side of the Colorado and no development can happen closer to the water (Cart 2014).

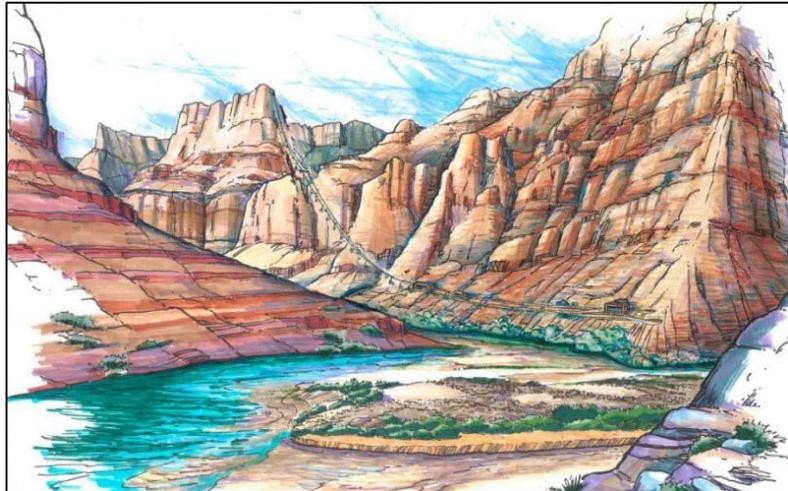


Figure 5. Artistic rendering of the proposed gondola from the Rim to the River. (Image from Office of the Hopi Chairman, 2014)



Figure 5. Map of the Grand Canyon and proposed development sites, as featured in the Los Angeles Times (Cart 2014).

In Protection of the Sacred

The plan has caused division on the Navajo Nation as well as with other tribes like the Hopi. For the Navajo, the two rivers are powerful deities and the Confluence, where they come together is considered sacred. The director of the Hopi Cultural Preservation Office explain that "The Grand Canyon is our spiritual home [...] it is the point of our emergence. It is also our final spiritual resting place" (Crawford 2014). The Hopi Salt Trail "runs along the Little Colorado River by the confluence and onto the *sipapuni*, or place of emergence, upstream" (Crawford 2014). The Director also suggests that the project violates the 2006 intergovernmental compact

"It is my church, it is where I say my prayers. It is where I give my offerings. It's where I commune with the holy ones, the gods that walk along the canyon," said Yellowhorse, a member of the Navajo Nation (Sottile and Dahlgren 2015).

between the Hopi and Navajo. Members of the Save the Confluence group say the Confluence is the wrong place for development, "It's not for an outsider to tell me what is sacred [...] I say it is sacred because I go out there and pray and give my offerings, not because it is on some map or written in some book." (Crawford 2014).

The Hopi are actively pursuing any avenue to oppose the Escalade that is available to them. They have built a coalition with the Zuni, Acoma and Laguna Pueblos tribes. According to an op-Ed in the Navajo Times, these groups plan to “exercise their religious obligations and pilgrimages to the ancestral sacred sites in the Grand Canyon [...] It is of paramount importance that the Grand Canyon Escalade Project be seen as a very real threat to the religious freedom of Native Americans who view the Grand Canyon as their place of worship”(Office of the Hopi Chairman 2014).

National Park officials also see proposed development in Tusayan and the Escalade (Figure 5) as serious threats to the park’s vistas, fragile ecology and water supplies. The Confluence Partners argue that no sacred sites are within the proposed 420 acre boundary, and the Escalade itself is 150 yards from the where the rivers meet, and designed to respect the Confluence.

In Search of Economic Development

Two-thirds of the American Indian population belong to poverty-stricken tribes that still don't have Las Vegas-style casinos. Some, like the Navajo, culturally oppose gambling, while others, like the Hualapai, are too far away from major population centers to benefit (Pace 2000). Instead of casinos, tourism ventures in and near the Grand Canyon offers tribes hope for economic growth and development.

The Confluence Partners LLC., the Escalade project developers, claim that there is overwhelming support by the Bodaway Gap Chapter whose land on which the project will be built. The project promises to create 2,000 on-site jobs and 1500 indirectly. Bodaway gap has high unemployment, and as one tribal member and Bodaway Gap resident said: "If we don't get something out here, all the young people are going to leave and our chapter is going to die" (Yurth 2012b). In 2012, the Chapter government voted 59-52 in favor of allocating the required acreage for the Escalade development (Yurth 2012a). Principal of the Confluence Partners is R Lamar Whitman, reached out to former Navajo Nation President, Albert Hale, and other tribal and non-tribal partners. The tribe is being asked to invest \$65 million for infrastructure like new road and electrification, and could earn 8 to 18% of receipts, estimated to be \$40 to \$70 million annually. As the special adviser to the current Navajo Nation President points out, "If the National Park Service and the Hualapai Tribe and other entities are making a profit off the Grand Canyon, who are they to say the Navajo Nation cannot do that?" (Crawford 2014).



Conclusion

The future of the Escalade project is uncertain. The initial goal of the Escalade’s Confluence Group was to break ground in summer 2015. This has since been extended as they wait for approval from the Navajo Nation Tribal Council, find investors, and make accommodations to appease the Hopi and others’ concerns. What is certain is the need for development, infrastructure, and opportunity in Bodaway Gap and other Navajo chapters. Whether it comes through the Escalade or another opportunity, something needs facilitate growth for tribal communities while still maintaining the Confluence’s cultural and spiritual values.

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