

April 8, 2010

Testimony of:

Mr. Wilfred Whatoname, Sr., Chairman
Hualapai Tribe
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Provided at the hearing on April 8, 2010 titled "*On the Edge: Challenges Facing Grand Canyon National Park*".

"Mr. Chairman and members of the subcommittee, I appreciate your invitation to testify today on behalf of the Hualapai Tribe, and look forward to the opportunity to continue to work with you on all aspects of Grand Canyon protection"

The Hualapai Reservation adjoins Grand Canyon National Park along 108 miles of the Colorado River in Grand Canyon. We have been a respectful neighbor to Grand Canyon National Park and responsible steward of the resources of Grand Canyon since before the park was established. We respect the resources of Grand Canyon and work to preserve its valued riches and its invaluable cultural heritage.

The Hualapai Tribe has the same capacity as states with respect to the Clean Water Act's Section 106 – Water Pollution Control Program. The 1987 Clean Water Act Amendments (i.e., Section 518 of the Clean Water Act, 33 U.S.C. 1251 et seq.,) added a new section titled "Indian Tribes" which authorizes U.S. Environmental Protection Agency (EPA) to treat federally recognized Indian tribes as states for certain provisions, including financial assistance under such programs as the Water Pollution Control Program. Section 518 is commonly known as the "Treatment as a State (TAS) section". The Hualapai Tribe has water quality standards; Treatments as a State (TAS) recognition: conducts annual water quality assessments and every five years submits a 305b report; conducts a triennial review of our water quality standards; Developing and administering Non-Point Source and National Pollutant Discharge Elimination System (NPDES) Permit Programs; ensuring the protection and anti-degradation of our water resources. "The Hualapai Tribe is now advocating, in the U.S. House, to obtain a \$497,000 line item in the fiscal year 2011 Interior-Environment Appropriations Bill. This line would be included in the Environmental Protection Agency's Section 106 Water Pollution Control Program Account. Respectfully, the Hualapai Tribe asks for the assistance of the members of this subcommittee in obtaining this much-needed funding this year".

As one of the founding members of the Glen Canyon Dam Adaptive Management Program, we have worked with a large group of stakeholders to preserve and improve the vast natural and cultural resources of Grand Canyon as a gesture to current and future generations. In the beginning of the Glen Canyon Program, the Hualapai Tribe was provided resources to meaningfully monitor Hualapai natural and cultural resources as they were affected by the operations of Glen Canyon Dam. This effort represented meaningful involvement in the Glen Canyon Program and provided assurances to our people that the natural and cultural resources of importance to the Hualapai Tribe were being protected and/or enhanced.

“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”. We have more-than capable staff in our natural and cultural resources departments to undertake resource monitoring on our own lands to decide for ourselves what the impacts of the operation of Glen Canyon Dam has on Hualapai Resources. Our staff include biologists with doctorate and masters degrees and cultural resources managers that are state certified archaeologists and Tribal Historic Preservation Officers. We ask for this subcommittee’s assistance in restoring funds for monitoring of tribal resources to the levels seen in the early 1990’s. We have directly observed that the status of the biological resources in lower Grand Canyon on the Hualapai Reservation have deteriorated over the past ten years with the advent of the extended drought and climate change.

The vast stands of native Goodding’s willow that once dominated lower Grand Canyon are now gone. With the willows, also gone are the endangered Southwestern Willow Flycatcher and probably many other bird species. With the reduced inflows to Lake Powell and Lake Mead, we are seeing a decline in the availability and quality of aquatic habitats in lower Grand Canyon for native fish; a highly imperiled resource. Monitoring and mitigation are sorely needed to protect and improve the natural resources of the Hualapai Tribe in Grand Canyon.

Since 1997, we have received a small amount of support from the U.S. Department of Interior to participate in the Glen Canyon Program as directed by then Secretary of the Interior Bruce Babbitt. In Mr. Babbitt’s directive to fund tribal participation in the Glen Canyon Adaptive Management Program, he directed that these dollars be indexed annually to reflect each year’s Consumer Price Index (CPI). The CPI has never been applied to tribal funding since 1997. As the costs of doing business (salaries, vehicles, gasoline) continues to climb, our resources to undertake meaningful participation in the AMP program has not. That does not demonstrate Environmental Justice for the Hualapai Tribe. “Again, we respectfully request the subcommittee’s active involvement in improving this funding situation”.

Currently, all around the Colorado River basins are locations of proposed “In Situ” leach mining explorations for uranium. On the Navajo Reservation past uranium mining practices have left the ground water contaminated with uranium. Huge amounts of groundwater contamination occurred in the Grants Uranium district in Western New Mexico that may take thousands of years to decontaminate. The Nuclear Regulatory Commission acknowledges ten accidental releases of uranium tailings solutions into major water courses in the western United States between 1959 and 1977. The 40 year old Atlas uranium mill tailings at Moab, Utah located 750 feet from the Colorado River leaks 57,000 gallons of contaminated fluids per day (on average) into the Colorado River.

The U.S. Forest Service as well as the Secretary of the Interior has a Trust responsibility to the Hualapai 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. Therefore it is the position of the Hualapai Tribe to oppose any exploration for or mining of uranium ore deposits in and around the upper and lower Colorado River Basins.