

**HUALAPAI TRIBAL COUNCIL
RESOLUTION NO. 60-2006
OF THE GOVERNING BODY OF THE
HUALAPAI TRIBE OF THE HUALAPAI INDIAN RI**

Never approved
majority of wording
incorporated into
the operating standards

(Authorizing Public Review of Proposed Hualapai Bo

WHEREAS, the Hualapai Tribe and the U.S. Department o location of the northern boundary of the Hualapai Reservation, has interfered with the Tribe's ability to effectively manage the Reservation on and along the Colorado River; and

WHEREAS, a Memorandum of Understanding By and Among the Hualapai Tribe, the Grand Canyon National Park, and the Lake Mead National Recreation Area was entered into in October 2000 (the "MOU"). The MOU sets aside the boundary dispute between the parties by creating an Area of Cooperation, which is defined from the high water mark to the high water mark of the Colorado River between River Mile 164.5 to River Mile 273.5, and attempts to negotiate government-to-government agreements for mutual and respective management of the Area of Cooperation through a Federal-Tribal Core Team; and

WHEREAS, pursuant to the MOU, in January 2001, the Hualapai Tribe, Grand Canyon National Park, and Lake Mead National Recreation Area executed three addenda to the MOU: 1) Emergency Response Plan; 2) River Running Operations – Operational Standards; and, 3) Inner-Canyon Helispots – Operational Standards; and

WHEREAS, the parties to the MOU have not completed addenda to address fees and permits, planning for economic development, or science and natural resource issues; and

WHEREAS, the parties to the MOU have reached an impasse on further negotiations concerning a number of matters, including the final draft environmental impact statement ("EIS") for the Colorado River Management Plan ("CRMP") adopted by the National Park Service in March 2006 for managing river trips through the Grand Canyon National Park; and

WHEREAS, the parties to the MOU have yet to mediate their impasse under the MOU, and the Hualapai Tribe objects to the CRMP as adopted; and

WHEREAS, the Hualapai Tribe's vision for managing and using the Colorado River is guided by the Tribe's desire to protect cultural and natural resources within the Colorado River and surrounding canyons, as well as promoting tourism along the River and canyons as a means of economic survival for the Tribe.

NOW, THEREFORE BE IT RESOLVED, that the Tribal Council hereby authorizes the Chairman to initiate public review of a *proposed* Hualapai Tribal Boating Ordinance, attached hereto as Exhibit A, regarding the licensing and permitting of commercial river-

running passengers and private boaters entering the Hualapai Reservation from the Colorado River.

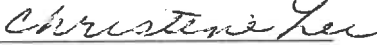
THEREFORE, BE IT FURTHER RESOLVED, that the Chairman shall report to the Tribal Council by December 31, 2006, comments received during the public review regarding the *proposed* Boating Ordinance.

CERTIFICATION

I, the undersigned as Chairman of the Hualapai Tribal Council hereby certify that the Hualapai Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom **9** constituting a quorum were present at a **SPECIAL COUNCIL MEETING** duly called, held on this **31st** day of **October, 2006**; and that the foregoing resolution was duly adopted by a vote of 9 in favor, 0 opposed, 0 not voting, 0 excused pursuant to authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1991.


Charles Vaughn, Chairman
Hualapai Tribal Council

ATTEST:


Christine Lee, Secretary
Hualapai Tribal Council

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For Discussion Purposes Only

HUALAPAI TRIBAL COUNCIL

ORDINANCE NO. _____

AN ORDINANCE TO LICENSE AND PERMIT COMMERCIAL RIVER-RUNNING PASSENGERS AND PRIVATE BOATERS ENTERING THE HUALAPAI RESERVATION FROM THE COLORADO RIVER AND ENTERING THE COLORADO RIVER FROM THE HUALAPAI RESERVATION.

Section 1. Findings of the Hualapai Tribal Council

(a) The Hualapai Tribe and the U.S. Department of the Interior dispute the location of the northern boundary of the Hualapai Reservation; and

(b) This boundary dispute has interfered with the Tribe's ability to effectively manage the resources of the Colorado River along the northern boundary of the Hualapai Reservation; and

(c) A Memorandum of Understanding By and Among the Hualapai Tribe, the Grand Canyon National Park, and the Lake Mead National Recreation Area was entered into in October 2000 (the "MOU"). The MOU sets aside the boundary dispute by creating an Area of Cooperation, which is defined from the high water mark to the high water mark of the Colorado River between River Mile 164.5 to River Mile 273.5, and attempts to negotiate government-to-government agreements for mutual and respective management of the Area of Cooperation through a Federal-Tribal Core Team; and

(d) Pursuant to the MOU, in January 2001, the Hualapai Tribe, Grand Canyon National Park, and Lake Mead National Recreation Area executed three addenda to the MOU: 1) Emergency Response Plan; 2) River Running Operations – Operational Standards; and, 3) Inner-Canyon Helispots – Operational Standards.

(e) The parties to the MOU have not completed addenda to address fees and permits, planning for economic development, or science and natural resource issues.

(f) The parties to the MOU have reached an impasse on further negotiations concerning a number of matters, including the final draft environmental impact statement ("EIS") for the Colorado River Management Plan ("CRMP") adopted by the National Park Service to manage river trips through the Grand Canyon National Park; and

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(g) The parties to the MOU have yet to mediate their impasse under the MOU, and the Hualapai Tribe objects to the CRMP as adopted; and

(h) The Hualapai Tribe's vision for managing and using the Colorado River is guided by the Tribe's desire to protect cultural and natural resources within the Colorado River and surrounding canyons, as well as promoting tourism along the River and canyons as a means of economic survival for the Tribe.

Section 2. Commercial River-Running Operator Licensing

To gain legal access to the Hualapai Reservation for commercial river passengers who camp, hike, transfer and egress, all commercial river-running operators, other than those operating under existing authority of the Hualapai Tribe, are hereby required to obtain an annual commercial river trip operator license from the Hualapai Tribal Council or the Tribal Council's designated agent. To obtain a commercial river trip operator license, the applicant shall:

(a) Be an official National Park Service Grand Canyon National Park River Trip Concessionaire.

(b) Apply to and be approved by the Hualapai Tribal Council through an application procedure, as prescribed by the Tribal Council or the Tribal Council's designated agent.

(c) Agree to pay the Hualapai Tribe an annual license fee based on a percentage of the concession fee that the licensee is contracted to pay the Grand Canyon National Park. The percentage will be established annually by the Tribal Council or the Tribal Council's designated agent.

(d) Submit a river passenger interpretive program on the Hualapai Tribe and Hualapai Tribal Lands for review and approval by the Tribal Council or the Tribal Council's designated agent.

(e) Educate their river passengers about this Ordinance and other related trespass restrictions applicable to Hualapai Tribal Lands.

Section 3. Commercial River-Running Trip Leader and Guide Licensing

To ensure the preservation of cultural resources, all commercial river-running guides, other than those operating under existing authority of the Hualapai Tribe, shall be required to:

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(a) Possess a current Guide/Trip Leader Certification Card issued by the Grand Canyon National Park or the National Park Service.

(b) Apply to and be approved by the Hualapai Tribe through an application procedure as prescribed by the Tribal Council or the Tribal Council's designated agent. Prior to being licensed, the applicant shall complete a cultural preservation course approved by the Tribal council or the Tribal Council's designated agent.

Section 4. Private Boating Permitting

To gain legal access to the Hualapai Reservation for private boater river passengers who camp, hike, transfer and egress, all private boaters other than those operating under existing authority of the Hualapai Tribe, are hereby required to obtain a private boater permit from the Hualapai Tribal Council, or the Tribal Council's designated agent. To obtain a private boater permit the applicant shall:

(a) Have an official National Park Service Grand Canyon National Park River Trip Permit.

(b) Apply to and be approved by the Hualapai Tribe through an application procedure as prescribed by the Hualapai Tribal Council or the Tribal Council's designated agent. Prior to being granted a permit, the applicant shall complete a cultural preservation course approved by the Tribal Council or the Tribal Council's designated agent.

(c) Pay the Hualapai Tribe a total permit fee that is based upon a daily visitor fee, multiplied by the number of passengers, multiplied by the total days to be permitted. The daily visitor fee will be established annually by the Hualapai Tribal Council or the Tribal Council's designated agent.

(d) Educate their river passengers about this Ordinance and other related trespass restrictions applicable to Hualapai Tribal Lands.

Section 5. Fines, Penalties & Appeal Procedures

(a) Fines & Penalties.

A person violating any provision of this Ordinance shall be punished by a fine or penalty, as provided by law, or by forfeiture of equipment or vessel, or both, and shall be adjudged to pay all costs of proceedings.

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(b) Administrative Remedies & Appeals.

Any notice of violation, decision, fine, penalty, or forfeiture of equipment made under this Ordinance may be appealed administratively.

1. First Appeal to the Hualapai Tribal Council's Designated Agent.

a. Any person found in violation of this Ordinance may appeal a notice of violation, decision, fine, penalty, or forfeiture of equipment to the Tribal Council's Designated Agent.

b. The appellant shall state the basis of appeal in writing to the Tribal Council designated agent.

c. The Hualapai Tribal Council, or the Tribal Council's Designated Agent, may establish a filing fee and procedures for appeals to the Tribal Council's Designated Agent.

2. Second Appeal to the Hualapai Tribal Council.

a. Any person having first appealed to the Tribal Council's Designated Agent may thereafter file an appeal with the Hualapai Tribal Council.

b. The appellant shall state the basis of appeal in writing to the Tribal Council.

c. The Hualapai Tribal Council may establish a filing fee and procedures for appeals to the Tribal Council.

(c) Refunds for Successful Appellants.

Any person who is successful in an administrative appeal is entitled to a refund of any fines, penalties, filing fees, and forfeiture of equipment. Such refund is limited to fines, penalties, and filing fees; successful appellants are not entitled to a recovery of other costs or attorney fees.

(d) No Waiver of Sovereign Immunity.

Nothing herein shall be deemed to waive the sovereign immunity of the Hualapai Tribe, which is hereby expressly reaffirmed.