

## AGENDA

### TUSAYAN TOWN COUNCIL REGULAR MEETING

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03

Wednesday, November 16, 2016 at 6:00pm

TUSAYAN TOWN HALL BUILDING

845 Mustang Drive, Tusayan Arizona

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Tusayan Town Council and to the public that the Tusayan Town Council will hold a meeting open to the public on Wednesday, November 16, 2016 at the Tusayan Town Hall Building. If authorized by a majority vote of the Tusayan Town Council, an executive session may be held immediately after the vote and will not be open to the public. The Council may vote to go into executive session pursuant to A.R.S. § 38-431.03.A.3 for legal advice concerning any matter on the agenda, including those items set forth in the consent and regular agenda sections. The Town Council may change, in its discussion, the order in which any agenda items are discussed during the course of the meeting.

Persons with a disability may request a reasonable accommodation by contacting the Town Manager at (928) 638-9909 as soon as possible.

*As a reminder, if you are carrying a cell phone, electronic pager, computer, two-way radio, or other sound device, we ask that you silence it at this time to minimize disruption of today's meeting.*

### TOWN COUNCIL REGULAR MEETING AGENDA

#### 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

#### 2. ROLL CALL *One or two Council Members may attend by telephone*

**MAYOR CRAIG SANDERSON**  
**VICE MAYOR BECKY WIRTH**

**COUNCILOR AL MONTOYA**  
**COUNCILOR JOHN RUETER**  
**COUNCILOR JOHN SCHOPPMANN**

#### 3. CALL TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

*Members of the public may address the Council on items not on the printed agenda. The Council may not discuss, consider or act upon any matter raised during public comment. Members of the audience who wish to speak to the Council on an item listed as Public Hearing should complete a Request to Speak Card and turn it into the Town Clerk. Comments will be limited to three minutes per person.*

#### 4. CEREMONIAL AND/OR INFORMATIONAL MATTERS

#### 5. CONSENT AGENDA

*Items on the consent agenda are routine in nature and will be acted on with one motion and one vote. Members of the council or staff may ask the mayor to remove any item from the consent agenda to be discussed and acted upon separately.*

##### A. Accounts Payable Billings

##### B. Minutes of the Town Council Meeting of 11/02/16

#### 6. ACTION ITEMS

##### A. Consideration, discussion, and possible ratification of reinvestment of Certificate of Deposit consistent with Council directive and strategic financial plan

##### B. Consideration, discussion, and possible approval of purchase of personal property for town-owned housing option

*The Council may vote to go into executive session pursuant to A.R.S. § 38-431.03. A. 3, and 7, for legal advice concerning the Town's position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.*

## 7. DISCUSSION ITEMS

### A. Discussion of Town authority concerning ownership and/or operation of internet data systems

*The Council may vote to go into executive session pursuant to A.R.S. § 38-431. 03. A. 3, 4, and 6, for legal advice concerning the Town's position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.*

### B. Discussion of Town support for Grand Canyon School student-based extracurricular activities

### C. Discussion of the purchase of a "Travel Trailer" for temporary employee housing

### D. Discussion of unsolicited letter received by Kaibab National Forest concerning Ten X affordable housing

### E. Discussion of issues identified in the ongoing Community Wellness meetings

### F. Discussion of Grand Canyon National Park Airport Master Plan

## 8. REPORTS

### A. Town Manager

- i. Update on Affordable Housing
- ii. Update on Broadband development
- iii. Update on the Sports Complex and Work Group
- iv. Update on the Planning and Zoning Commission
- v. Update of Administrative actions and issues

### B. Council Members

### C. Mayor

## 9. FUTURE AGENDA ITEMS

## 10. MOTION TO ADJOURN

### CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at the General Store in Tusayan, Arizona on this \_\_\_\_\_ day of November 2016, at \_\_\_\_\_ am / pm in accordance with the statement filed by the Tusayan Town Council.

\_\_\_\_\_  
Signature of person posting the agenda

# ITEM 5B

## **TUSAYAN TOWN COUNCIL REGULAR MEETING**

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03

Wednesday, November 2, 2016 at 6:00pm

TUSAYAN TOWN HALL BUILDING

845 Mustang Drive, Tusayan Arizona

### **TOWN COUNCIL SUMMARIZED MINUTES**

#### **1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Sanderson called the meeting to order at 6:02pm and the Pledge of Allegiance was recited.

#### **2. ROLL CALL**

**MAYOR CRAIG SANDERSON**  
**VICE MAYOR BECKY WIRTH**  
**COUNCILOR AL MONTOYA**  
**COUNCILOR JOHN RUETER – by phone**  
**COUNCILOR JOHN SCHOPPMANN - excused**

Also present was: Melissa M. Drake, Town Clerk

#### **3. CALL TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

None

#### **4. CEREMONIAL AND/OR INFORMATIONAL MATTERS**

None

#### **5. CONSENT AGENDA**

##### **A. Accounts Payable Billings**

##### **B. Minutes of the Town Council Meeting on 10/05/16**

Vice Mayor Wirth made a motion to approve the Consent Agenda. Councilor Montoya seconded the motion and it passed on unanimous vote.

#### **6. ACTION ITEM**

##### **Consideration, discussion, and possible approval of Grand Canyon Chamber and Visitors Bureau (CVB) marketing plan**

Clerk Drake introduced Laura Chastain, Director of the Grand Canyon CVB, who presented information to the Council regarding their marketing plan. She discussed current advertisements and plans to focus on winter tourism. She also discussed plans to create a 7 to 10 minute virtual reality (VR) video of the area and Keith Drake demonstrated VR video for the Council.

The Council discussed the plan with Ms. Chastain.

Councilor Montoya made a motion to approve the Grand Canyon CVB marketing plan. Councilor Rueter seconded the motion and it passed on unanimous vote.

## **7. DISCUSSION ITEM**

### **Discussion of Tusayan Shuttle Bus Route**

Pam Edwards from Grand Canyon National Park discussed the shuttle service with the Council. She thanked the Council for paying for the extra 5 weeks of shuttle service from the National Park to Tusayan. She stated that park visitation is up about 6% over last year and they are expecting a total for the year to be just under 6 million. She also stated that the ridership on the Tusayan route was down about 14%.

Ms. Edwards also said that the lack of parking is still a large issue. The plan for the future is to put fee machines at each shuttle stop for passes. She is pursuing a schedule change for the shuttle to Tusayan next year to begin March 1<sup>st</sup>.

## **8. REPORTS**

### **A. Town Manager**

Manager Duthie was not in attendance due to illness.

### **B. Council Members**

Councilor Rueter stated that there are new broadband interests in town and any increase in service is a good thing. He stated that we are still awaiting information from the Town Attorney on what role the Town can play in providing internet service.

### **C. Mayor**

Mayor Sanderson stated that he is looking forward to having Manager Duthie back and he knows that he has continued to work on several projects including broadband.

Senator John McCain was here last week and the Mayor reemphasized the Town's opposition to the proposed Grand Canyon Watershed National Monument due to the need for housing and broadband services.

Laura Chastain stated that some local employers have lost employees due to the lack of internet access to take online college classes.

## **9. FUTURE AGENDA ITEMS**

The following item was added to the list for future agendas:

November 16 – Determination by Town Attorney of Town's ability to be involved in broadband services (Councilor Rueter requested an opinion from the Town Attorney, or other legal entities, as to whether the Town can be in the business of providing broadband services and, if so, how.)

**10. MOTION TO ADJOURN**

Councilor Montoya made a motion to adjourn the meeting at 7:38pm. Vice Mayor Wirth seconded the motion and it passed on unanimous vote.

**ATTEST:**

\_\_\_\_\_  
**Craig Sanderson, Mayor**                      **Date**

\_\_\_\_\_  
**Melissa M. Drake, Town Clerk**

**CERTIFICATION**

State of Arizona            )  
  ) ss.  
Coconino County            )

**I, Melissa M. Drake, do hereby certify that I am the Town Clerk of the Town of Tusayan, County of Coconino, State of Arizona, and that the above minutes are a true and correct summary of the meeting of the Council of the Town of Tusayan held on November 2, 2016. I further certify that the meeting was duly called and held, and that a quorum was present.**

**DATED this 3<sup>rd</sup> day of November, 2016**

\_\_\_\_\_  
**Town Clerk**

# ITEM 6A

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**Re: Public Funds Investments**

1 message

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Eric Duthie <tusayantownmanager@gmail.com>  
To: Aaron Bonck <aaron.bonck@timevalueinv.com>

Mon, Oct 3, 2016 at 10:28 AM

Aaron,

Per our discussion earlier today, please complete transactions concerning the Town of Tusayan CD investments as described below:

1. Renew the matured CD (FDIC# 30387) of 9/30/2016 into the Firstbank PR Santurse CD (FDIC #30387) for three (3) years, expiring 10/7/2019
2. Renew maturing CD (FDIC #34519) of 10/12/2016 into the Capital One FA CD (FDIC #4297) for five (5) years, expiring 10/13/2021

Additionally, I confirm the following statement:

1. **NOT BOND PROCEEDS:**

I notified TVI that the funds being invested are not bond proceeds, municipal escrow investments or reasonably expected to be used as a source of payment for debt service.

Please proceed accordingly.  
eric

Town Manager Eric Duthie  
Town of Tusayan  
928-638-9909 office  
928-637-4297 cell

*"You cannot choose your battlefields, the Gods choose those for you,  
but you can Plant a Standard, where a Standard never flew"  
-Nathalia Crane*



On Mon, Oct 3, 2016 at 10:01 AM, Aaron Bonck <aaron.bonck@timevalueinv.com> wrote:

Good morning Eric,

Please select the statement which applies to the funds being invested, copy and paste it into an e-mail, and send it back to me. Thanks!

1. **INVESTED FUNDS ARE NOT BOND PROCEEDS:**



Eric Duthie <tusayantownmanager@gmail.com>

### TVI Trade Confirmations

1 message

Aaron Bonck <aaron.bonck@timevalueinv.com>  
To: "tusayantownmanager@gmail.com" <tusayantownmanager@gmail.com>

Mon, Oct 3, 2016 at 10:57 AM

Good morning Eric,

Thank you so much for your business today! Below are the trade ticket confirmations for the Town's CD purchases. We were able to purchase both CDs at the yields expected. The Firstbank CD will settle on Friday Oct. 7<sup>th</sup> and the Capital One NA CD will settle on Thursday Oct. 13<sup>th</sup>.

We purchased \$247,000 of the Capital One CD and \$248,000 of the Firstbank CD to keep the Town under the FDIC insurance limit and protect your accrued interest throughout the life of the CDs.

Thanks again, and please let me know if you have any questions!

CD 1 OF 2:

Trade Information			
Trader	AARON BONCK	CUSIP	14042RDB4
At	IVI	ISIN	US14042RDB42
9 BUY	247M	of COF 1.7 10/13/21	Issuer Dated CAPITAL ONE NA 10/13/16
Price	100.000000	Yield	1.700000
Settlement	10/13/16	(T+7 for calendar 'US')	
Notes	FDIC# 4297		

Trade Numbers			
View Amounts in USD			
Principal		USD	247,000.00
Accrued	( 0 days )		0.00
Total		USD	247,000.00

CD 2 OF 2:

**Trade Information**

Trader	AARON BONCK	CUSIP	33767AG54
At	IVI	ISIN	US33767AG549

9) BUY	248M	of FBP 1.3 10/07/19	Issuer	FIRSTBANK PUE...
Price	100.0000	Yield	Dated	10/07/16
Settlement	10/07/16	(T+4 for calendar 'US')		

Notes FDIC# 30387

**Trade Numbers**

View Amounts in **USD**

Principal		USD	248,000.00
Accrued	( 0 days )		0.00
Total		USD	248,000.00

Have a great day.

Aaron

Aaron Bonck | Institutional Investments

Time Value Investments, Inc. | 9725 3rd Ave NE, Suite 610 | Seattle, WA 98115

Direct: 206-365-3003 | Toll Free: 877-707-7787 | Fax: 206-417-6000 | [www.timevalueinv.com](http://www.timevalueinv.com)



Public Funds Investment Educational Videos at [www.timevalueinv.com/p/educational-videos](http://www.timevalueinv.com/p/educational-videos)

Securities offered through ProEquities, Inc. a Registered Broker-Dealer, Member,

FINRA & SIPC. Any non-securities activities conducted by Time Value Investments, Inc.

are independent of ProEquities, Inc.

# ITEM 7B

Allana Briones #5

Nadia #3

Keara Jansen #19

Diana Montes #1

Cayli Miles #11

Alexis Cannella

Jessica RMM #24

Savannah Perkins #10

Natalie #5  
Jebby Caballero

Makin Kennedy #6

Karla Amador #12

Tyra Briones #14

Thelma M

Thank you for the support in helping our volleyball program grow! We're excited to put this equipment to use! ☺

Coach Bilton

-Coach Martinez

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## Inventory of donated items

1 message

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Eric Duthie <tusayantownmanager@gmail.com>

Thu, Nov 3, 2016 at 4:06 PM

To: cmoreno@grandcanyonschool.org, Matt Yost <myost@grandcanyonschool.org>

Please see the attached list of items donated to the Grand Canyon School District from the Town of Tusayan, during September and October 2016, totalling \$3,497.99:  
eric

Town Manager Eric Duthie  
Town of Tusayan  
928-638-9909 office  
928-637-4297 cell

*"You cannot choose your battlefields, the Gods choose those for you,  
but you can Plant a Standard, where a Standard never flew"  
-Nathalia Crane*



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 GCSD Donations Sep-Oct 2016.pdf  
526K

**Your Branders Order Confirmation # BR91512**

1 message

Branders Online Orders <onlineorders@branders.com>  
To: tusayantownmanager@gmail.com

Tue, Oct 11, 2016 at 11:30 AM

Note: This is a no reply Email address, emails will not be monitored. Please call (877) 272 6337.

Thank you for your order with Branders. We really appreciate your business!  
Once your items are shipped you will get a separate email notification to track your order.

**Order # BR91512**

		<p><b>ITEM 1 - 280873 [White]</b></p> <p>Quantity: 2 pcs</p> <p>Base Color: Front Side Imprint</p> <p>Print On: (4+ Full Color)</p> <p>Imprint Color: Clip art &amp; text</p> <p>Imprint: Normal Production</p> <p>Production: Ground Shipping</p> <p>Shipping:</p>	<p><b>Estimated Delivery Date: Nov 02, 2016</b></p> <p>A proof of your order artwork will be emailed to you in 24-48 hours</p> <p>We cannot print your order without your final approval. Please respond to the proof email immediately to prevent any delays.</p>	<p>Price (2 @ 110): \$220.00</p> <p>Setup Charge: \$50.00</p> <p>Subtotal: \$270.00</p> <p>Ground Shipping: \$27.60</p> <p>Item Total: \$297.60</p>
<p><b>Your Design</b></p>				
		<p><b>ITEM 2 - 241816 [White]</b></p> <p>Quantity: 100 pcs</p> <p>Base Color: Both S.de Imprint</p> <p>Print On: (4+ Full Color)</p> <p>Imprint Color: Clip art &amp; text</p> <p>Imprint: Normal Production</p> <p>Production: Ground Shipping</p> <p>Shipping:</p>	<p><b>Estimated Delivery Date: Nov 02, 2016</b></p> <p>A proof of your order artwork will be emailed to you in 24-48 hours</p> <p>We cannot print your order without your final approval. Please respond to the proof email immediately to prevent any delays.</p>	<p>Price (100 @ 4.39): \$439.00</p> <p>Impression Charge: \$60.00</p> <p>Subtotal: \$499.00</p> <p>Ground Shipping: \$0.00</p> <p>Item Total: \$499.00</p>
<p><b>Your Design</b></p>				

**ORDER SUMMARY**

SHIPPING CHARGES:

\$27.60

**GRAND TOTAL**

**\$796.60**

**Billing Address:**

Eric Duthie  
Email: tusayantownmanager@gmail.com  
845 Mustang Drive PO 709  
City: Grand Canyon  
State: AZ Zip: 86023  
Country: US

Cell Number: 9282454716  
Office Phone: 9286389909

**Shipping Address:**

Town of Tusayan  
Eric Duthie  
845 Mustang Drive PO 709  
City: Grand Canyon  
State: AZ Zip: 86023  
Country: US

Cell Number: 9282454716  
Office Phone: 9286389909  
Delivery Contact #: 9286389909

**Quick Links:**

**TRACK MY ORDER** Following the progress of your order by copying your order# here

**CUSTOMER SERVICE** We are here to help with any questions you may have. Please place a ticket here and our team member will contact you shortly.

NO CHANGES TO THIS ORDER AFTER 24 HOURS. IF YOU WISH TO ADD MORE PRODUCTS YOU WILL BE REQUIRED TO PLACE ANOTHER ORDER.

We assume no responsibility for determining trademark/logo ownership. All liability of this nature rests solely with the customer. Any disputes or collection issue will be handled under the jurisdiction of Miami Dade County, Florida. Interest for late payments may be applied to the extent permitted by law. Please refer to our website for additional Terms/General Information.



Eric Duthie <tusayantownmanager@gmail.com>

## Epic Sports Order Confirmation #2404701

1 message

orders@epicsports.com <orders@epicsports.com>  
To: tusayantownmanager@gmail.com

Thu, Oct 27, 2016 at 11:25 AM

# EPIC SPORTS

Baseball Soccer Football Closeouts

Thank you for your order, ERIC DUTHIE.

**IMPORTANT:** Please confirm that everything is correct below. If you need to make changes, please do so immediately by visiting "My Account" on our home page. It may or may not be too late to make changes to your order, depending on its status.

Please inspect your order when it arrives and contact our office at (888) 269-2440 within 5 business days if anything is missing or damaged.

If you need to return any items on your order, please review our return policy located at <http://www.epicsports.com/returnpolicy.html>.

### Order Information

**Billing:**  
ERIC DUTHIE  
TOWN OF TUSAYAN  
PO BOX 709  
TUSUYAN, AZ 86023  
Ph: 928-638-9909

**Shipping:**  
ERIC DUTHIE  
TOWN OF TUSAYAN  
845 MUSTANG DRIVE  
GRAND CANYON, AZ 86023  
Ph: 928-638-9909

Ship Via: Ground Shipping

### Order Details

Invoice #: 2404701  
Order Date: 10/27/2016 1:26:00 PM

Product	Unit Price	Qty	Price
Wilson Evolution Game Basketballs Epic SKU: E72470 COLOR: BASKETBALL ORANGE SIZE: OFFICIAL - 29.5"	\$49.99	(2)	\$99.98
Wilson Evolution Game Basketballs Epic SKU: E72470 COLOR: BASKETBALL ORANGE SIZE: INTERMEDIATE - 28.5"	\$49.99	(2)	\$99.98

Subtotal: \$199.96

Ground Shipping (ETA 11/18/2016): \$0.00

Order Total: **\$199.96**

MasterCard ending in 2108



Eric Duthie <tusayantownmanager@gmail.com>

### MiniThrowballs order # 4137

1 message

MiniThrowBalls.com <sales@minithrowballs.com>  
To: tusayantownmanager@gmail.com

Mon, Oct 17, 2016 at 5:00 PM

#### Mini Throw Balls Order Confirmation #4137

Customer: Eric Duthie  
Email: tusayantownmanager@gmail.com  
Phone: 9286389909  
View online: Order# 4137

#### Product Logos:

Review order images

## Mini Throw Balls

Dear Eric Duthie,

Thank you for shopping with us today.  
Please find below the details of your order.

Order Number:4137  
Date Ordered: Monday 17 October, 2016  
**Contents of the order**

Product	Model	Price (Inc. Tax)	Qty.	Total (Inc. Tax)
<del>Micro Foam Basketballs Nerf - 2.5"</del> Date Requested By: 11-11-2016 -Item color : White/Red -New Order setup \$55.00 -Top Ball Color : White	#2.5 BASKETB	\$1.70	100	\$225.00
Foam Hand #1 - 16" Date Requested By: 11-04-2016 -Item color : Red -New Order setup \$50.00	HA305	\$1.70	100	\$220.00

Sub-Total: \$445.00  
Shipping: \$97.33  
Total: \$542.33

Payment Method: MasterCard

Delivery Address  
Eric Duthie  
845 Mustang Drive  
PO 709  
Grand Canyon, AZ  
86023

Billing Address  
Eric Duthie  
PO Box 709  
Tusayan, AZ  
86023

Thank you for shopping at Mini Throw Balls



Eric Duthie <tusayantownmanager@gmail.com>

**Power Systems Receipt**

1 message

Power Systems <CustomerService@power-systems.com>  
To: "tusayantownmanager@gmail.com" <tusayantownmanager@gmail.com>

Wed, Sep 21, 2016 at 11:34 AM



Thank you for your Order!  
\*\*\* PLEASE PRINT THIS OUT AND RETAIN IT FOR FUTURE REFERENCE \*\*\*

Order Number 656986  
Customer ID 12335794  
Order Date 9/21/2016 2:34:06 PM

Bill To:  
Eric Duthie  
Town of Tusayan  
PO Box 709  
GRAND CANYON, AZ 86023  
United States  
9286389909  
tusayantownmanager@gmail.com

Ship To:  
Eric Duthie  
Town of Tusayan  
845 Mustang Drive  
PO Box 709  
Tusayan, AZ 86023  
United States  
9286389909

Order Details:  
Order Date: 9/21/2016 2:34:06 PM  
Locale/Currency: en-US / USD  
Payment Method: CREDITCARD  
Name On Card: Eric Duthie  
Card Type: MasterCard  
Card Number: \*\*\*\*2108

Item No.:	Product	Quantity	Price	Total
30745	✓ Indoor Agility Rings - Set of 12	1	\$35.95	\$35.95

Order Notes:  
None

SubTotal \$35.95  
Shipping: FedEx Ground \$7.00  
Tax: ~~\$8.00~~  
Order Total: **\$42.95**

**Questions?** Call 1.800.321.6975 Email webcustomerservice@power-systems.com

Shipping Method: Standard  
Estimated Delivery: Sep 29 - Oct 4

ITEM #	DESCRIPTION	QTY	EACH	TOTAL
JFIT503	✓ Jfit 10-0190 Set of 4 Plyo Boxes	1	\$334.93	\$334.93
Sub-Total:				\$334.93
Tax:				\$0.00
Shipping:				\$119.95
Store Order Total:				\$454.88

## Order Total

Order Sub-Total: \$334.93

Total Tax: \$0.00

Total Delivery: \$119.95

**Grand Total: \$454.88**

 Cashback Earned on this Order: \$13.40

## Your Personal Shop Consultant

**RUTH SCHADLER**

Email: [raschadler@hotmail.com](mailto:raschadler@hotmail.com)

Website: [www.shop.com](http://www.shop.com)

## Order Questions?

If you have any questions, please contact your shop consultant. Thank you for shopping at SHOP.COM.

Once again, thank you for your order.

Kind regards,  
RUTH SCHADLER

Find it all on SHOP.COM™ | Trends | Departments | eGifts | Stores | MyLists | Search

\* Individual Cashback is rounded off to the nearest value and may vary depending on new and/or pending purchases credited to SHOP.COM account. See site for details.

For immediate assistance, SHOP.COM customers should call 1-866-420-1709 or send us an email at [customerservice@shop.com](mailto:customerservice@shop.com)

[Unsubscribe](#) | [Privacy Policy](#)

## Connect with us



**FW: ORDER: Soccer Goal / Net SHOOTING PRACTICE TRAINER TARGET - 24FT X 8FT**

1 message

Eric Duthie <eduth@hotmail.com>  
To: Town Manager Tusayan <tusayantownmanager@gmail.com>

Mon, Sep 19, 2016 at 5:43 PM

Date: Mon, 19 Sep 2016 17:42:55 -0700  
From: ebay@ebay.com  
To: eduth@hotmail.com  
Subject: ORDER: Soccer Goal / Net SHOOTING PRACTICE TRAINER TARGET - 24FT X 8FT

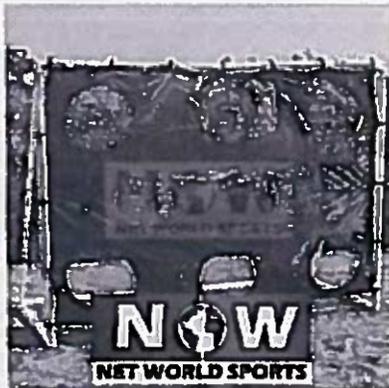
Confirmed ETA: Fri. Sep. 23 eBay will update the estimate when it ships to 845 Mustang Drive



Hi Eric - Order confirmed. eBay will update you when your order ships to 845 Mustang Drive

**PAID : \$198.46 with Credit card**

[View order details](#)



✓ Soccer Goal / Net SHOOTING PRACTICE TRAINER TARGET - 24FT X 8FT

Estimated delivery: Fri. Sep. 23

Item Id: 151855703335  
Transaction Id 1458119714005  
Quantity: 2

To complement your purchase



Eric Duthie <tusayantownmanager@gmail.com>

## Your VolleyballUSA.com Online Order

1 message

mwilliams@volleyballusa.com <mwilliams@volleyballusa.com>  
To: tusayantownmanager@gmail.com

Tue, Sep 20, 2016 at 3:40 PM

Thank you very much for your order.

We work very hard to ship orders out as soon as possible. If you need your item(s) for a special event please let us know by following up by replying to this e-mail or phone 1-800-494-3933.

Sincerely,

Micah Williams  
General Manager  
VolleyballUSA.com  
United Volleyball Supply, LLC  
14615 NE 91st St. Building B  
Redmond, WA 98052  
PH: 1-800-494-3933  
FX: 425-827-2230

Order Number : 36009  
Placed : 09/20/2016 18:40:42 EDT

<b>Ship To:</b>	<b>Bill To:</b>
Eric Duthie	Eric Duthie
tusayantownmanager@gmail.com	tusayantownmanager@gmail.com
9286389909	9286389909
9286389910	9286389910
Town of Tusayan	Town of Tusayan
845 Mustang Drive	PO Box 709
Tusayan AZ 86023	Tusayan AZ 86023
US	US

Code	Name	Quantity	Price/Ea.	Total	
✓	Volleyball-Pal Volleyball Pal	2	\$17.95	\$35.90	
✓	Pass-Rite Pass Rite	2	\$21.95	\$43.90	
✓	Spike-Trainer Spike Trainer	1	\$78.00	\$78.00	
✓	Bungee-Blocker Bungee Blocker	1	\$79.95	\$79.95	
✓	Mesh-Volleyball-Carrying-BagMesh Volleyball Carrying Bag	1	\$12.00	\$12.00	\$12.00
✓	Linesman-Flags-RedLinesman Flags Red	1	\$14.00	\$14.00	
✓	VCC Volleyball Coaches Clipboard	1	\$12.00	\$12.00	
	Shipping: FedEx Ground:			\$72.74	
	Sales Tax:		\$0.00		
			<b>Total:</b>	<b>\$348.49</b>	

Your order is being processed # 3712136317

1 message

Dick's Sporting Goods <info@em.dickssportinggoods.com>  
Reply-To: Dick's Sporting Goods <info.8AW9Y2I.5303558@em.dickssportinggoods.com>  
To: tusayantownmanager@gmail.com

Wed, Oct 26, 2016 at 12:11 PM

Having trouble reading this email? View it in your browser.

EVERY SEASON STARTS AT



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Eric Duthie <tusayantownmanager@gmail.com>

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Ph: 928-638-9909

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Invoice #: 2403348  
Order Date: 10/26/2016 1:14:00 PM

Product	Unit Price	Qty	Price
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✓ Champro ProGrip 3000 Composite Indoor Basketball Epic SKU: E8606 COLOR: ORANGE SIZE: REGULATION - 29.5"	\$18.29	(10)	\$182.90
✓ Champro Basketball Coachs Boards 9" X 12" Epic SKU: E72120 COLOR: WHITE SIZE: 9" X 12"	\$8.49	(2)	\$16.98

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# ITEM 7D



October 31, 2016

Ms. Heather Provencio, Supervisor  
Kaibab National Forest  
800 South 6th Street  
Williams, AZ 86046  
Via Email: [hcpovencio@fs.fed.us](mailto:hcpovencio@fs.fed.us)

**Re: The Forest Service Must Determine Whether the Town of Tusayan's Proposed Road Maintenance Agreement that Will Facilitate Housing Development Near Grand Canyon National Park Is In the Public Interest and Must Provide Robust Public Notice, Public Involvement, and NEPA Analysis**

Dear Supervisor Provencio:

On behalf of the National Parks Conservation Association, Grand Canyon Trust, Sierra Club, Center for Biological Diversity, and Maricopa Audubon Society, we request that the Forest Service ensure that the Town of Tusayan's forthcoming application for a snow removal road maintenance agreement to enable the construction of a housing development — the first step in Stilo Development Group USA's massive commercial and residential complex on the doorstep of the Grand Canyon — is in the public interest before accepting the application. As you are aware, the Town's development of the TenX Ranch parcel is contractually linked to Stilo's larger development and to the development of Town housing on the Kotzin Ranch parcel. We continue to believe that any Forest Service action that will facilitate Stilo's development at the TenX or Kotzin Ranch parcels is not in the public interest and should be denied, as the Forest Service concluded when Tusayan previously sought easements to these parcels.

If the Forest Service accepts Tusayan's forthcoming road maintenance agreement application, we request that the Forest Service engage in a thorough National Environmental Policy Act (NEPA) review. Forest Service guidance and regulations require public notice, an opportunity for public comment, and preparation of at least an environmental assessment before the agency can approve Tusayan's application.

**I. Tusayan Proposes to Develop the TenX Ranch Property.**

We understand that in the near future, the Town of Tusayan intends to submit to the Forest Service a request for a road maintenance agreement to enable to town to plow snow from Forest Road (FR) 302 to provide winter access from State Route (SR) 64 to the TenX Ranch parcel. The Town seeks this agreement to permit winter access to, and construction and year-round occupation of, 10 to 20 off-the-grid homes that Tusayan plans to construct at TenX.<sup>1</sup> Stilo

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<sup>1</sup> See L. Yerian, *Commercial development moves forward in Tusayan*, GRAND CANYON NEWS (June 7, 2016) ("Under the new agreement, the town will begin construction on 20 homes on the Ten X property east of Tusayan . . ."), <http://www.grandcanyonnews.com/news/2016/jun/07/commercial-development-moves-forward-in-tusayan/>, attached as Ex. 1.

agreed to transfer to Tusayan fee simple ownership of 20 acres of the TenX Ranch “for the purpose of providing housing and employment opportunities within the Town.”<sup>2</sup> Stilo’s agreement with Tusayan recites that the property transfer was necessary to “induce the Town” to take other actions to enable Stilo to build a massive commercial and residential development on the doorstep of Grand Canyon National Park.<sup>3</sup> Tusayan’s planned residential development (and requested snow removal to cause those dwellings to be accessible and habitable in winter) thus appears to be an attempt to begin piecemeal development of the TenX parcel to enable Stilo to complete its massive development. The Forest Service must consider these ultimate environmental consequences of enabling winter access before granting the snow removal permit.

## **II. The Forest Service Must Determine Whether the Proposed Road Maintenance Agreement Is In the Public Interest.**

The Forest Service previously returned the Town of Tusayan’s application for rights-of-way to facilitate Stilo’s development on the TenX and Kotzin parcels because of significant uncertain environmental impacts and substantial public interest concerns. We request that the Forest Service engage in a similar inquiry before accepting Tusayan’s request for a road maintenance agreement. As the Forest Service has acknowledged, “FLPMA and other special use authorities provide permissive authorities that may be used to accommodate the needs of individuals, groups and industries *only* when they are in, or at least compatible with[,] the public interest.”<sup>4</sup> The Forest Service must reject any special use proposal if it is not in the public interest. 36 C.F.R. § 251.54(e)(5)(ii).

We are unaware of any information Tusayan has provided to the Forest Service or the public about the nature and extent of the subdivision development, other than the final plat and surveys for cultural resources and existing environmental contamination. Absent additional information — such as plans for additional development related to the housing, sewage treatment, water supply, source of electricity and other utilities, home sizes, and the connection between the housing development and Stilo’s larger development plans — the Forest Service cannot meaningfully evaluate whether it is in the public interest to grant the requested road maintenance agreement, which is necessary for the housing development’s viability. In addition, the Town has not demonstrated an imminent need for the road agreement, given that it is unclear that the mechanism that it has chosen to pay for the housing development has, or will soon obtain, funds necessary to construct the housing. It is imperative that Tusayan provide the necessary

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<sup>2</sup> Second Amendment to Pre-Annexation and Development Agreement, Agreement No. 2011-11-02, Between the Town of Tusayan, an Arizona municipal corporation, and Stilo Development Group USA, LP, at 3 (¶ 4(a)(ii)) (June 1, 2016), excerpt attached as Ex. 2; *see also* Special Warranty Deed with Reverter ¶ 2 (Second Town Housing Parcel – TenX), Exhibit B to the Escrow Instructions, attached to Agenda, Town of Tusayan Regular Meeting (Aug. 17, 2016), Deed attached as Ex. 3.

<sup>3</sup> Second Amendment to Pre-Annexation and Development Agreement, at 3 (¶ 4(a)(ii)) (Ex. 2).

<sup>4</sup> 44 Fed. Reg. 29,107, 29,110 (May 18, 1979) (emphasis added) (proposed rule revising regulations governing the authorization of the occupancy of land and conduct of activities on National Forest System lands).

information on its development plans to the Forest Service and to the public before the agency processes Tusayan's application. And then the Forest Service may process the application only if it determines, based on that additional information, that the road maintenance agreement is in the public interest. 36 C.F.R. § 251.54(e)(5)(ii).

**III. If the Forest Service Accepts the Application, It Must Evaluate Environmental Effects in an EA or an EIS and Must Provide a Robust Opportunity for Public Participation.**

Tusayan's proposed road maintenance agreement likely will have significant environmental effects that must be thoroughly analyzed as part of a robust public process. Tusayan's new subdivision apparently cannot be occupied without the road maintenance agreement permitting snow removal. Facilitating traffic on the route year-round will itself have impacts, including increasing traffic in the area, which will result in increased noise and light pollution, disturbance of wildlife at a time when many species need to conserve energy, potential for road kill, etc. The housing development likely will require vegetation clearing as well additional groundwater pumping to service the occupants. The Town apparently intends to build a small sewage treatment plant near or in a floodplain on TenX Ranch that also will have environmental impacts. The subdivision's environmental impacts — including threats to sensitive species, Grand Canyon National Park, floodplains, and Native American and other cultural resources — therefore would be caused by snow removal; so they must be thoroughly analyzed in either an environmental assessment (EA) or environmental impact statement (EIS).

Moreover, providing winter access and enabling Tusayan to construct a new subdivision increases the burden on the Town to ensure that it will seek the necessary easements to enable Stilo to construct its planned development on the TenX and Kotzin Ranch parcels. At the very least, providing winter access to the TenX parcel substantially increases the likelihood that Stilo will fully develop that parcel in a piecemeal fashion. The environmental impacts of Stilo's larger development also must be analyzed as effects of the snow removal permit in an EA or an EIS.

If the Forest Service instead concludes that it should apply a NEPA categorical exclusion to the road maintenance agreement, the agency should provide an opportunity for substantial public participation in the NEPA scoping process — as required by NEPA regulations — before making a decision, given the extremely controversial nature of Stilo's and Tusayan's attempt to turn these undeveloped parcels into highly developed tourist destinations.

A. Extraordinary Circumstances Preclude the Forest Service's Use of a Categorical Exclusion.

NEPA requires "that agencies take a "hard look" at environmental consequences" of their actions. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989) (quoting *Kleppe v. Sierra Club*, 427 U.S. 390, 410 n.21 (1976)). This generally demands that an agency prepare an EIS or an EA before committing resources to an action. *California v. Norton*, 311 F.3d 1162, 1175 (9th Cir. 2002). However, an agency may adopt a "categorical exclusion" for "a category of actions which do not individually or cumulatively have a significant effect on the human environment." 40 C.F.R. § 1508.4. When actions fit within the definition of a categorical exclusion, an agency need not prepare an EA or an EIS, but only if there are no

“extraordinary circumstances in which a normally excluded action may have a significant environmental effect.” *Id.*; *see also Norton*, 311 F.3d at 1168. If such extraordinary circumstances exist, “a categorically excluded action would nevertheless trigger preparation of an EIS or an EA.” *Norton*, 311 F.3d at 1168. Importantly, “the fact that [extraordinary circumstances] *may* apply is all that is required to prohibit use of the categorical exclusion.” *Id.* at 1177 (emphasis added).

Forest Service regulations require the agency to consider potential effects of the proposed action on various “resource conditions . . . in determining whether extraordinary circumstances related to a proposed action warrant further analysis and documentation in an EA or an EIS.” 36 C.F.R. § 220.6(b)(1). Relevant resource conditions include:

- (i) Federally listed threatened or endangered species . . . or Forest Service sensitive species;
- (ii) Flood plains, wetlands, or municipal watersheds;
- (iii) Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas; . . .
- (vi) American Indians['] . . . religious or cultural sites; and
- (vii) Archaeological sites, or historic properties or areas.

*Id.* If a “cause-effect relationship” exists “between the proposed action and the potential effect on these resource conditions,” the Forest Service must determine whether “the degree of the potential effect” may be significant. *Id.* § 220.6(b)(2).

If the responsible official determines, based on scoping,<sup>[5]</sup> that it is uncertain whether the proposed action may have a significant effect on the environment, [she must] prepare an EA. If the responsible official determines, based on scoping that the proposed action may have a significant environmental effect, [she must] prepare an EIS.

*Id.* § 220.6(c).

We understand that the Service is considering applying a categorical exclusion to exclude the proposed road maintenance agreement for snow removal from further environmental analysis and public review.<sup>6</sup> However, extraordinary circumstances likely (or at least may) apply in this case, prohibiting the use of the categorical exclusion. The increased road use, and construction, occupation, and use of the subdivision enabled and caused by the proposed action may

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<sup>5</sup> As described in Section III.B below, the Forest Service must engage in the NEPA scoping process before applying a categorical exclusion. 36 C.F.R. § 220.4(e).

<sup>6</sup> We assume the Service would apply the categorical exclusion for “[r]epair and maintenance of roads, trails, and landline boundaries” found in 36 C.F.R. § 220.6(d)(4).

significantly affect sensitive species, floodplains, a municipal watershed, a Congressionally designated area (Grand Canyon National Park), and American Indian religious or cultural sites. And Stilo's proposed development that would be made more likely by snow removal would have even greater, more widespread effects on these and other resources. Accordingly, we respectfully request that the Service prepare an EIS, or at least an EA, to analyze the environmental effects of the proposed snow removal permit. We further request that the Forest Service consider requiring the Town of Tusayan to post a bond to make the Forest Service whole in the event that snow removal, road use, or other related action damages Forest Service resources. *See* 36 C.F.R. § 251.56(e).

*1. The Proposed Road Maintenance Agreement Will Enable a Subdivision that May Cause Significant Environmental Effects.*

The apparent purpose of the requested road maintenance agreement is to provide winter motorized access to off-the-grid homes the Town plans to construct on a 20-acre parcel within the larger TenX Ranch parcel. The plat for "Ten X Ranch Phase I" contains ten plotted tracts, indicating that ten homes will be constructed in this phase.<sup>7</sup> Based on discussions during Town Council meetings, a sewage treatment facility apparently will be constructed on the tract adjacent to and at the northeast corner of the housing tract (identified as "Tract B" on the plat map).<sup>8</sup>

The requested road maintenance agreement for snow removal is necessary for these homes to be erected and occupied. Without the permit, Tusayan would not construct the subdivision: units would not be occupied — and sewage treatment facilities would not be built — because homeowners could not be sure they could reach their property in winter. The requested permit therefore is a proximate cause of the subdivision. Because there is a "cause-effect relationship between the proposed action and the potential effect" of the subdivision, the Forest Service must consider the subdivision's environmental effects in determining whether extraordinary circumstances preclude the application of a categorical exclusion. 36 C.F.R. § 220.6(b)(2).

As stated above, important information necessary to assess the subdivision's environmental effects is lacking. The Forest Service should forego processing Tusayan's application until the agency has adequate information to analyze these effects. At the very least, the lack of information makes it "uncertain whether the proposed action may have a significant effect on the environment," thereby requiring the Service to prepare an EA. *Id.* § 220.6(c).

Regardless, any level of development on the TenX parcel likely would present extraordinary circumstances precluding the application of a categorical exclusion. The parcel's development likely would alter a floodplain and may affect special status species, Tusayan's municipal watershed, Grand Canyon National Park, and Native American religious or cultural sites. The Forest Service therefore may not apply a categorical exclusion to Tusayan's request for snow removal and must engage in a comprehensive NEPA analysis.

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<sup>7</sup> Final Plat for Ten X Ranch Phase I (Oct. 5, 2016), attached as Ex. 4.

<sup>8</sup> *See id.*

a. Special status species

The ecosystem encompassing the proposed subdivision is home to at least one federally listed endangered species and a number of Forest Service sensitive species that may be significantly affected by enabling winter access to the proposed subdivision.<sup>9</sup> The endangered California condor (*Gymnogyps californianus*) is found in the area.<sup>10</sup> Several other raptors on the Forest Service's sensitive species list also are present in or near the project area, including northern goshawks (*Accipiter gentilis*), peregrine falcons (*Falco peregrinus anatum*), and bald eagles (*Haliaeetus leucocephalus*).<sup>11</sup> The area is home to at least three sensitive bat species: Pale Townsend's big-eared bat (*Corynorhinus townsendii pallescens*), spotted bat (*Euderma maculatum*), and Allen's lappet-browed bat (*Idionycteris phyllotis*).<sup>12</sup> Two special status plants — clustered leather flower (*Clematis hirsutissima*) and Tusayan flameflower (*Phemeranthus validulus*) — were found on and near the TenX Ranch parcel during previous surveys.<sup>13</sup> Other plants of special concern, such as Tusayan Rabbitbrush (*Chrysothamnus molestus*), Fickeysen pincushion cactus (*Pediocactus peeblesianus var. fickeyseniae*), and endangered sentry milkvetch (*Astragalus cremnophylax var. cremnophylax*), also may occur in the area.<sup>14</sup> Development of the proposed subdivision, and the increased motor vehicle use, noise, and lights caused by the road maintenance agreement, may significantly affect one or more of these special status species.<sup>15</sup> Extraordinary circumstances thus may exist, thereby precluding application of a categorical exclusion.

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<sup>9</sup> See Comments of National Parks Conservation Association, Grand Canyon Trust, Sierra Club, and Center for Biological Diversity on the Town of Tusayan Proposed Roadway Easements (Project #46776), at 53–55 (June 1, 2015) [hereinafter Scoping Comments], attached as Ex. 5.

<sup>10</sup> *Id.*

<sup>11</sup> U.S. Forest Serv. Region 3, Regional Forester's Sensitive Species: Animals (2013), [http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fsbdev3\\_021328.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsbdev3_021328.pdf). The Kaibab National Forest plan includes specific protections for northern goshawks, peregrine falcons, and golden eagles (*Aquila chrysaetos*). U.S. Forest Serv., Land and Resource Management Plan for the Kaibab National Forest 49–52 (2014).

<sup>12</sup> Regional Forester's Sensitive Species: Animals.

<sup>13</sup> U.S. Forest Service, Final EIS for Tusayan Growth 207–08, 327 (PDF pages 275–76, 400) (Aug. 6, 1999), attached as Ex. 6.

<sup>14</sup> See U.S. Forest Serv. Region 3, Regional Forester's Sensitive Species: Plants (2013), [http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fsbdev3\\_021246.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsbdev3_021246.pdf).

<sup>15</sup> The TenX parcel also provides important habitat to Arizona Species of Economic and Recreation Importance. Elk and pronghorn calving areas have been identified on the southern portion of the TenX parcel, and a deer fawning area has been identified adjacent to the parcel. Tusayan Growth EIS, at 197, 201–04 (PDF pages 266–71) (Ex. 6). The subdivision's direct and indirect impacts on these habitats likely would negatively affect these species.

b. Floodplains and municipal watersheds

Forest Road 302 appears to cross drainages and floodplains between SR 64 and the TenX Ranch parcel.<sup>16</sup> Moreover, most of the TenX parcel the Town plans to develop sits in the bottomlands of Coconino Wash, a Zone A floodplain.<sup>17</sup> At least parts of TenX Ranch are designated as special flood hazard areas.<sup>18</sup> The proposed TenX Ranch subdivision also sits within Tusayan's municipal watershed.<sup>19</sup> The Town is proposing to build a wastewater treatment plant of some kind near the development, which could affect waters and waterbodies.

The proposed subdivision, especially the roads necessary to access the homes, may require filling washes or other intermittent water bodies, or bridge construction in waters of the United States. In addition, the development could increase flooding in the area and alter floodplain hydrology.<sup>20</sup> The development caused by the proposed road maintenance agreement for snow removal therefore may significantly affect floodplains, wetlands, and a municipal watershed, precluding application of a categorical exclusion.

c. Grand Canyon National Park

The proposed subdivision may have environmental effects that extend into nearby Grand Canyon National Park. For example, the development and increased motor vehicle use in the area may affect wildlife moving to or from the Park, or runoff into the Park.<sup>21</sup> Housing development also may cause increased drawdown of aquifers in the Park. This is especially so because the Town has yet to identify a water source for the homes. The increased population and water use may require additional well pumping, thereby placing greater stress on aquifers that feed springs in Grand Canyon. The potential significant effects on Grand Canyon National Park present extraordinary circumstances that bar application of a categorical exclusion.

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<sup>16</sup> See U.S. Forest Serv., TenX Ranch Access (May 2015), attached as Ex. 7.

<sup>17</sup> EnviroSystems Mgmt., Inc., Cultural Resources Inventory of a 20-Acre TenX Ranch Parcel for the Town of Tusayan, Coconino County, Arizona, at 1 (July 29, 2016) [hereinafter Cultural Resources Inventory], attached as Ex. 8.

<sup>18</sup> Stilo Dev. Group USA, LP, TenX Ranch, Applicant's Narrative Report, Planned Community District Zoning Submittal to Town of Tusayan Arizona, at 27 (as resubmitted Sept. 26, 2011), attached as Ex. 9.

<sup>19</sup> See Grand Canyon National Park, Issues and Concerns Regarding Proposed Groundwater Developments Near the South Rim, Grand Canyon National Park, at 9, App. A (June 6, 2012), attached as Ex. 10.

<sup>20</sup> Flooding has been an ongoing issue in Tusayan. The Forest Service recently stated that "in the absence of development of a comprehensive stormwater management plan and appropriate stormwater management facilities in town, nuisance flooding will likely remain problematic in Tusayan." Kaibab National Forest, Decision Notice and Finding of No Significant Impact, Tusayan Flood Reduction Project, Tusayan Ranger District, at 4 (Sep. 7, 2013), attached as Ex. 11.

<sup>21</sup> See generally Scoping Comments (Ex. 5).

d. Native American cultural resources

The area in and near the proposed subdivision falls within the traditional use areas of the Southern Paiute, Hualapai, Havasupai, Hopi, Navajo, Yavapai, and Pueblo of Zuni.<sup>22</sup> “Traditional territories themselves are not simply areas on a map, but ‘homelands’ with intrinsic connections between the landscape, culture, and history.”<sup>23</sup> Navajo Cultural Landscape, American Indian Trails, and traditional use areas and seasonal camps have been located in the parcel’s vicinity.<sup>24</sup> A cultural resources survey paid for by the Town to assess the potential impact of the housing development stated:

Tusayan Ruin, also within the boundary of Grand Canyon National Park and not far north of TenX Ranch, is a solid indicator of later Puebloan groups occupying the region (Reid and Whittlesey 1997). It seems certain that the protohistoric/historic Hopi and Havasupai tribal groups also recognized the area as part of their ancestral homelands, using it as a resource exploitation zone and for seasonal agricultural development (Reid and Whittlesey 1997; ASU 2010).<sup>25</sup>

The report does not indicate that its preparers sought to contact tribes who have ancestral ties to the area. The proposed development may impact Indians’ use of traditional cultural and religious sites, presenting extraordinary circumstances that preclude application of a categorical exclusion.

2. *The Proposed Road Maintenance Agreement Increases the Likelihood that Stilo Will Construct a Massive Residential and Commercial Development that May Cause Significant Environmental Effects.*

Tusayan’s proposed 10-house subdivision appears to be a precursor for larger development on the TenX parcel. For one, rather than providing direct access from FR 302 to the subdivision, the Town apparently will build a grid of at least three roads around the subdivision.<sup>26</sup> This road alignment seems to suggest that the grid is being built in anticipation of providing access to additional development on the parcel. In fact, the deed that Stilo will convey to Tusayan for the Town’s portion of the TenX parcel allows the Town to construct up to 20 homes on the parcel.<sup>27</sup>

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<sup>22</sup> See Bureau of Land Mgmt., Northern Arizona Proposed Withdrawal, Final Environmental Impact Statement 3-214 (2011), attached as Ex. 12; see also Cultural Resources Inventory, at 5 (Ex. 8).

<sup>23</sup> SWCA Environmental Consultants, Class I Cultural Resources Overview for the Northern Arizona Proposed Withdrawal on the Bureau of Land Management Arizona Strip District and the Kaibab National Forest, Arizona 138 (Feb. 2011), attached as Ex. 13.

<sup>24</sup> *Id.* at 138–40.

<sup>25</sup> Cultural Resources Inventory, at 5, (Ex. 8).

<sup>26</sup> See Final Plat (Ex. 4).

<sup>27</sup> Special Warranty Deed with Reverter ¶ 2 (Ex 3).

In addition, there are indications that the Town intends to apply to the Forest Service for utility easements to service the houses once they are built, perhaps by claiming hardship if utilities are not provided.<sup>28</sup> A utility easement would enable Stilo to construct its much larger residential and commercial development on the TenX parcel, bringing with it the substantial environmental effects raised in our NEPA Scoping Comments on Tusayan's previous easement application. Indeed, the Forest Service rejected Tusayan's application for rights-of-way for internet and other utilities in large part because they were likely to lead to Stilo's massive commercial and residential development of the TenX and Kotzin parcels. Tusayan's proposed 10-home subdivision and request for winter access thus appears to be the camel's nose under the tent to leverage access necessary for the massive Stilo development.

Indeed, the Pre-Annexation and Development Agreement between Tusayan and Stilo requires the Town to seek easements from the Service and "use reasonable efforts to expedite U.S. Forest Service review" in exchange for land on which to construct Town housing.<sup>29</sup> And the deed to the Town for its portion of the TenX parcel prohibits the Town from constructing more than 20 homes until it has obtained easements from the Forest Service for Stilo's larger development, giving the Town extra incentive to seek the easements.<sup>30</sup> Therefore, the larger Stilo development on both the TenX and Kotzin properties necessarily is connected to Tusayan's development of the subdivision. Enabling the subdivision construction by granting a road maintenance agreement for snow removal increases the Town's burden to obtain easements for Stilo's development, thereby making that larger development more likely. The Forest Service must consider this effect when determining whether extraordinary circumstances preclude application of a categorical exclusion. See *Ctr. for Biological Diversity v. Salazar*, 791 F. Supp. 2d 687, 703 (D. Ariz. 2011) (requiring agency to consider cumulative effects of action before applying categorical exclusion), *aff'd*, 706 F.3d 1085 (9th Cir. 2013).

Stilo's massive residential and commercial development likely will have many of the same types of effects on resource conditions as Tusayan's smaller subdivision, but with significantly larger

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<sup>28</sup> See Tusayan's Future, Comment to Tusayan's Future, Find out why Tusayan is continuing the fight for housing, jobs and opportunity., FACEBOOK (June 1, 2016), <https://www.facebook.com/tusayansfuture/>, attached as Ex. 14; L. Yerian, *Commercial development moves forward in Tusayan* (Ex. 1) (quoting Forest Service spokesperson: "Town representatives have talked to the Kaibab National Forest about the possibility of a fiber optic line for enhanced internet and road maintenance agreements for access to private parcels").

<sup>29</sup> First Amendment to Pre-Annexation and Development Agreement, Agreement No. 2011-11-02, Between the Town of Tusayan, an Arizona municipal corporation, and Stilo Development Group USA, LP, at 3 (Jan. 22, 2014), excerpt attached as Ex. 15. The most recent amendment to the agreement requires the Town to "seek judicial review" if the Forest Service rejects the easement application, as the Service did on March 4, 2016. Second Amendment to Pre-Annexation and Development Agreement, at 2 (Ex. 2).

<sup>30</sup> Special Warranty Deed with Reverter ¶ 2 (Ex. 14). Tusayan's deed to its portion of the Kotzin Ranch parcel for Town housing requires the Town to have obtained the broader easements before it may construct *any* housing on that parcel. Kotzin Special Warranty Deed with Reverter ¶ 2, recorded March 11, 2014, attached as Ex. 16.

magnitudes. Stilo's development may also have many additional substantial effects on the area's resources, as described in our earlier Scoping Comments. In addition, the development's environmental effects cannot be adequately analyzed without more information. The Forest Service should either decline Tusayan's road maintenance agreement proposal until Stilo provides more information about its development, or, at least, prepare an EA or an EIS to assess the potential impacts of development.<sup>31</sup> Ultimately, we believe any Forest Service action which seeks to facilitate Stilo's massive development threatens a variety of resources, including and especially those of Grand Canyon National Park, and is therefore not in the public interest and should be denied.

**B. The Service Must Provide an Opportunity for Substantial Public Participation Before Applying a Categorical Exclusion.**

If the Forest Service decides to process Tusayan's road maintenance agreement without preparing an EA or an EIS, it nevertheless must provide an opportunity for substantial public participation prior to applying a categorical exclusion, in accordance with NEPA regulations. The Service's regulations state that "[s]coping is required for all Forest Service proposed actions, including those that would appear to be categorically excluded." 36 C.F.R. § 220.4(e)(1). "Scoping shall be carried out in accordance with the requirements of 40 CFR 1501.7." *Id.* § 220.4(e)(2). That provision requires the Service to "[i]nvite the participation of affected Federal, State, and local agencies, any affected Indian tribe, the proponent of the action, and other interested persons (including those who might not be in accord with the action on environmental grounds)." 40 C.F.R. § 1501.7. The Service must use the scoping process to determine whether an EA or an EIS must be prepared because extraordinary circumstances are uncertain or are possible. 36 C.F.R. § 220.6(c).

The undersigned are "interested persons" and accordingly request that the Forest Service invite the undersigned groups to participate in the NEPA scoping process for Tusayan's requested road maintenance agreement. We request to be provided with notice when the Forest Service commences the NEPA process, and with copies of Tusayan's application, any supporting documentation, and any relevant NEPA documents. *See* 40 C.F.R. § 1506.6(b)(1). We also request that the public be given at least 30 days to submit comments to the Forest Service on the proposal, the proposal's environmental effects, and the propriety of applying a categorical exclusion.

In addition, we urge the Forest Service to notify and invite the participation of all those individuals and organizations who provided comments on the Town of Tusayan's previously proposed road easements, for which scoping occurred in the spring of 2015. Given that the road maintenance agreement proposal and housing development would occur in the same area as, is contractually interrelated with, and will make more likely Stilo's massive commercial and residential development, those who commented on the road easements already have expressed an interest in this area and in similar impacts to the region. The Hopi, Havasupai, and other American Indian tribes should be identified as interested parties, as should Grand Canyon

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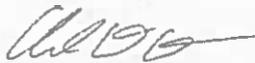
<sup>31</sup> *See* Scoping Comments, at 17–20 (Ex. 5).

National Park, the Environmental Protection Agency, and state and local water quality and quantity regulators.

We further urge the Forest Service to notify the public of the opportunity to comment on any proposed categorical excluded for this project by issuing a press release, posting the release conspicuously on the Kaibab National Forest's website, providing the release to area and state-wide media, and including the proposal on its "Schedule of Proposed Actions" on the Forest's website. Such measures will ensure broad public notice and public involvement.

Thank you for your attention to this matter. We look forward to your reply. If you have any questions about this issue, please call Chris Eaton at (303) 996-9616.

Sincerely,



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cc: The Hon. Rex Tilousi, Chairman, Havasupai Tribe  
The Hon. Ann Kirkpatrick, U.S. House of Representatives  
The Hon. Sally Jewell, Secretary, Department of the Interior  
Mr. Michael Bean, Principal Ass't Sect'y for Fish, Wildlife and Parks, Dep't of the  
Interior  
Mr. Jonathan Jarvis, Director, National Park Service  
Ms. Sue Masica, Regional Director, Intermountain Region, National Park Service  
Ms. Christine Lehnertz, Superintendent, Grand Canyon National Park  
Mr. Robert Bonnie, Under Secretary for Natural Resources & Environment, U.S. Dep't  
of Agriculture  
Mr. Tom Tidwell, Chief, U.S. Forest Service  
Mr. Cal Joyner, Regional Forester, Southwest Region, U.S. Forest Service  
Mr. Art Babbott, Coconino County Board of Supervisors  
Mr. Craig Sanderson, Mayor, Town of Tusayan  
Ms. Margaret J. Vick, General Counsel, Havasupai Tribe

## TABLE OF EXHIBITS

Exhibit #	Description
1	L. Yerian, Commercial development moves forward in Tusayan, Grand Canyon News (June 7, 2016)
2	Second Amendment to Pre-Annexation and Development Agreement, Agreement No. 2011-11-02, Between the Town of Tusayan, an Arizona municipal corporation, and Stilo Development Group USA, LP (June 1, 2016)
3	Special Warranty Deed with Reverter (Second Town Housing Parcel – TenX), Exhibit B to the Escrow Instructions, attached to Agenda, Town of Tusayan Regular Meeting (Aug. 17, 2016)
4	Final Plat for Ten X Ranch Phase I (Oct. 5, 2016)
5	Comments of National Parks Conservation Association, Grand Canyon Trust, Sierra Club, and Center for Biological Diversity on the Town of Tusayan Proposed Roadway Easements (Project #46776) (June 1, 2015)
6	U.S. Forest Service, Final EIS for Tusayan Growth (Aug. 6, 1999)
7	U.S. Forest Serv., TenX Ranch Access (May 2015)
8	EnviroSystems Mgmt., Inc., Cultural Resources Inventory of a 20-Acre TenX Ranch Parcel for the Town of Tusayan, Coconino County, Arizona (July 29, 2016)
9	Stilo Dev. Group USA, LP, TenX Ranch, Applicant's Narrative Report, Planned Community District Zoning Submittal to Town of Tusayan Arizona (as resubmitted Sept. 26, 2011)
10	Grand Canyon National Park, Issues and Concerns Regarding Proposed Groundwater Developments Near the South Rim, Grand Canyon National Park (June 6, 2012)
11	Kaibab National Forest, Decision Notice and Finding of No Significant Impact, Tusayan Flood Reduction Project, Tusayan Ranger District (Sep. 7, 2013)
12	Bureau of Land Mgmt., Northern Arizona Proposed Withdrawal, Final Environmental Impact Statement (2011)
13	SWCA Environmental Consultants, Class I Cultural Resources Overview for the Northern Arizona Proposed Withdrawal on the Bureau of Land Management Arizona Strip District and the Kaibab National Forest, Arizona (Feb. 2011)
14	Tusayan's Future, Comment to Tusayan's Future, Find out why Tusayan is continuing the fight for housing, jobs and opportunity., FACEBOOK (June 1, 2016)
15	Except from First Amendment to Pre-Annexation and Development Agreement, Agreement No. 2011-11-02, Between the Town of Tusayan, an Arizona municipal corporation, and Stilo Development Group USA, LP (Jan. 22, 2014)
16	Kotzin Special Warranty Deed with Reverter, recorded March 11, 2014

# ITEM 7F





**LEGEND**

- - - Airport Property Line
- Runway Safety Area (RSA)
- Runway Obstacle Free Zone (ROFZ)
- Runway Object Free Area (ROFA)
- Precision Obstacle Free Zone (POFZ)
- Runway Protection Zone (RPZ)
- Safety Area Deficiency
- RPZ Incompatibility
- Taxiway Designation

SCALE BY FEET  
Source: Woolpert 10/1/2015



**LEGEND**

- Airport Property Line
- Runway Safety Area (RSA)
- Runway Obstacle Free Zone (ROFZ)
- Runway Object Free Area (ROFA)
- 10' Ground Contours
- Precision Obstacle Free Zone (POFZ)
- Runway Protection Zone (RPZ)
- Safety Area Deficiency
- RPZ Incompatibility
- Taxiway Designation

**KEY**

- PAPI - Precision Approach Path Indicator
- REILs - Runway End Identifier Lights



The surveyed width on Runway 3-21 is approximately 148'. Future pavement improvements on the runway should consider increasing the width to 150' to meet applicable runway design standards.



Alternative 1



Alternative 2





**LEGEND**

- - - Airport Property Line
- Runway Safety Area (RSA)
- Runway Obstacle Free Zone (ROFZ)
- Runway Object Free Area (ROFA)
- 10' Ground Contours
- Precision Obstacle Free Zone (POFZ)
- Runway Protection Zone (RPZ)
- Proposed Pavement
- Proposed Roadway
- A Taxiway Designation



- Airport Property Line
- Runway Safety Area (RSA)
- Runway Obstacle Free Zone (ROFZ)
- Runway Object Free Area (ROFA)
- 10' Ground Contours
- Precision Obstacle Free Zone (POFZ)
- Runway Protection Zone (RPZ)
- Proposed Pavement
- Proposed Roadway
- Pavement to be Removed
- Taxiway Designation

SCALE IN FEET  
 Source: Woolpert 10/1/2015



DECLARED DISTANCES		
Category	Runway 3	Runway 21
TORA	10,000'	10,000'
TODA	10,000'	10,000'
ASDA	9,714'	10,000'
LDA	9,714'	10,000'

**KEY**

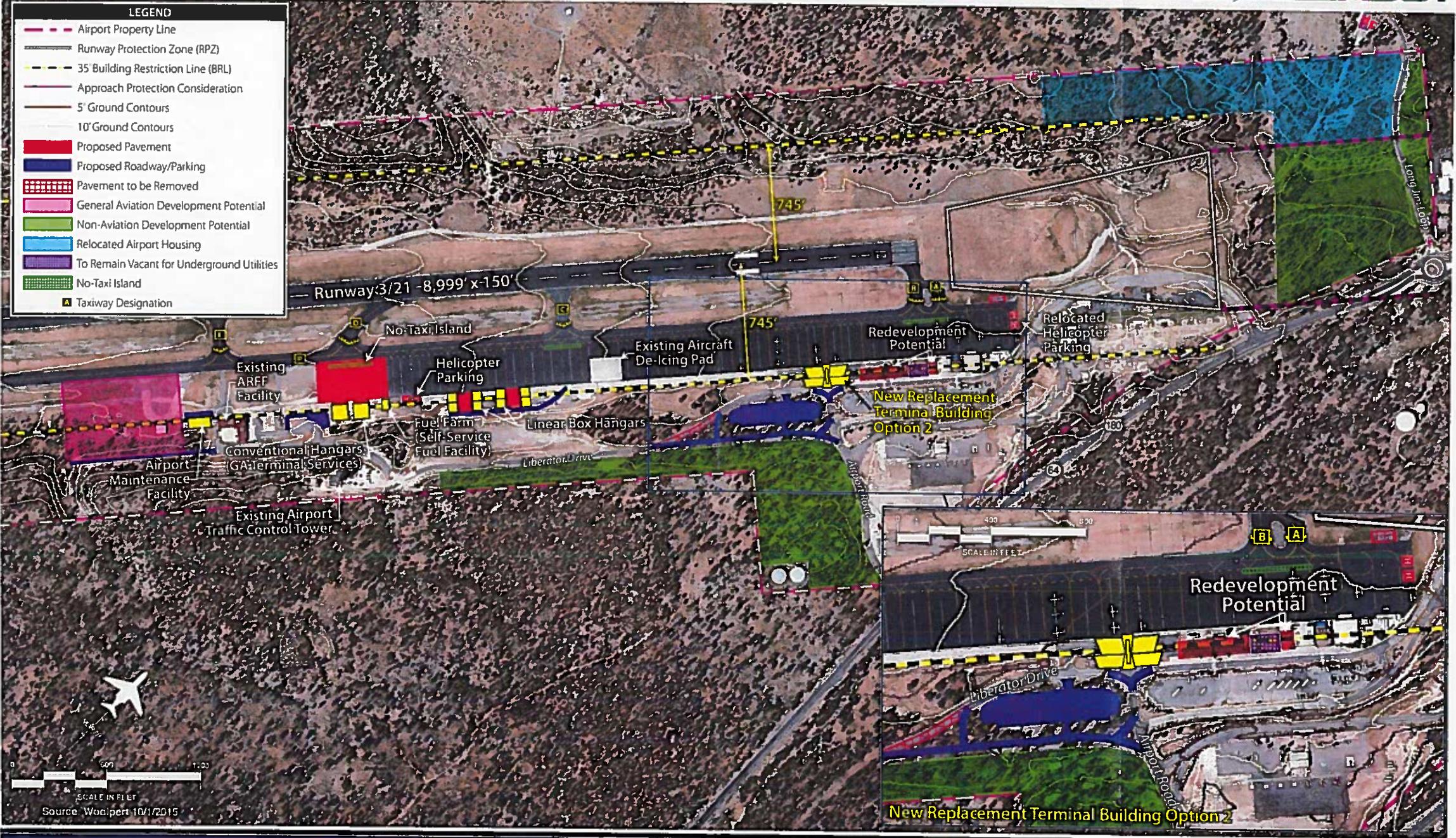
ASDA - Accelerate-Stop Distance Available  
 LDA - Landing Distance Available  
 TODA - Takeoff Distance Available  
 TORA - Take Off Run Available

- LEGEND**
- Airport Property Line
  - Runway Protection Zone (RPZ)
  - 35' Building Restriction Line (BRL)
  - Approach Protection Consideration
  - 5' Ground Contours
  - 10' Ground Contours
  - Proposed Pavement
  - Proposed Roadway/Parking
  - ▨ Pavement to be Removed
  - General Aviation Development Potential
  - Non-Aviation Development Potential
  - Relocated Airport Housing
  - To Remain Vacant for Underground Utilities
  - ▨ No-Taxi Island
  - Taxiway Designation



**LEGEND**

- Airport Property Line
- Runway Protection Zone (RPZ)
- 35' Building Restriction Line (BRL)
- Approach Protection Consideration
- 5' Ground Contours
- 10' Ground Contours
- Proposed Pavement
- Proposed Roadway/Parking
- ▨ Pavement to be Removed
- General Aviation Development Potential
- Non-Aviation Development Potential
- Relocated Airport Housing
- To Remain Vacant for Underground Utilities
- ▨ No-Taxi Island
- ▲ Taxiway Designation





# AIRPORT MASTER PLAN



LEGEND	
	Airport Property Line
	Runway Protection Zone (RPZ)
	35' Building Restriction Line (BRL)
	Approach Protection Consideration
	5' Ground Contours
	10' Ground Contours
	Proposed Pavement
	Proposed Roadway/Parking
	Pavement to be Removed
	General Aviation Development Potential
	Non-Aviation Development Potential
	Relocated Airport Housing
	To Remain Vacant for Underground Utilities
	No-Taxi Island
	Taxiway Designation

