



Greater Phoenix
Chamber of
Commerce

April 3, 2003

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The Honorable Earl Eishenhower
Chairman
Arizona Navigable Stream Adjudication Commission
1700 W. Washington, Room 404
Phoenix, Arizona 85007

RE: Navigable Waters

Dear Mr. Chairman,

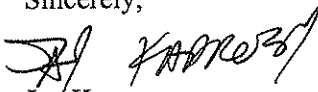
The Greater Phoenix Chamber of Commerce, representing more than 4,650 businesses and their 495,000 employees, would like to express concern over the upcoming "navigability" hearing scheduled for April 7, 2003 to determine whether the Lower Salt River between Granite Reef Dam and the confluence with the Gila River in Maricopa County was "navigable" at the time of statehood. The implications of the Salt River being categorized as "navigable" could jeopardize land ownership and private property rights among business owners and the community at large. It could also have a negative impact on such vital projects to our economy such as Sky Harbor International Airport and Tempe Town Lake.

In order to make the claim of "navigability" or return the land to the state as part of the Public Trust Doctrine, ANSAC must determine it to be "commercially navigable" at the time of statehood. Thus, determining that the waterway is or was a free public highway and can be used commercially for economic purposes in the future, not just in the past. The ramifications of a "navigable" ruling could significantly impact business around or near the areas considered "high water mark" areas, and leave them in financial ruin. These are citizens who have, in good faith, paid taxes on and held title to these properties. Business owners whose property is determined to be navigable with public trust values associated with it could be forced to close, and their private property taken. Because of the enormous property value at stake and historical data we urge you to consider all facts prior to your determination of navigability.

Established in 1888 the Greater Phoenix Chamber is Arizona's oldest and largest chamber, featuring affiliations with the Greater Phoenix Black and South Mountain/Laveen Chambers of Commerce. The Chamber supports the growth and development of business and the quality of life of our community. We take great pride in playing an active role in protecting the interests of business, ensuring a business friendly atmosphere in the valley and engaging with political decision makers and public policy experts on critical issues.

We applaud you tackling such a complex matter, and thank you for the opportunity to provide input.

Sincerely,


Jay Kaprosy
Vice President, Public Affairs

Maricopa County, Lower Salt River
03-005-NAV
4/7/03
Evidence Item No. 042