

**TSAILE – WHEATFIELDS – BLACKROCK CHAPTER
JOINT FARM BOARD AND WATER USERS MEETING
SUNDAY, APRIL 6, 2014 @ 1PM WHEATFIELDS CHAPTER HOUSE**

AGENDA

I. ORDER OF BUSINESS

- a. Meeting call to order
- b. Roll call
- c. Invocation
- d. Adapt agenda
- e. Reading last meeting minutes, March 23, 2014
- f. Announcements:
 - Workshop – Plant, Soil, and Water Relationships, Saturday, April 12, 2014 @ Wheatfields Chapter House from 8:30am to 12 pm conducted by University of Arizona
 - INVOICES FOR 2014 ANNUAL OPERATION & MAINTANENCE FEE WILL BE MAILED OUT TO ALL FARMERS BY APRIL 19, 2014.

II. OLD BUSINESS

- A. NONE

III. NEW BUSINESS

- A. LUP Issues- Transfer, Relinquish, etc
- B. BIA – Request for collaborative to resolve Farmland issues:
 - a. Probate Case
 - b. Idle farmlands
 - c. Alternative Plan
- C. Water Masters and Water Releases for irrigations
- D. Final Report of their First Nation Grant - Farming – Dine’ Policy Institute
- E. District II –Grazing Member Workshop Planning
- F. Grant Opportunity – Food Policy Research

IV. REPORTS

- A. Farm Board
- B. Water Users

V. CONCLUSION

- A. Identify next agenda items
- B. Schedule next meeting date
- C. Adjournment

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MEETING MINUTES

I. ORDER OF BUSINESS

- a. Meeting called to order at 1:38pm
- b. Roll call: Farm Board- Lorena Eldridge and Dorthea Litson were present. Lucinda Davis absent. Water Users – Lupita McClanahan and Dorthea Litson present. Aaron Begay and Kathy Johns were absent
- c. Invocation conducted by Lorena Eldridge
- d. Adapt agenda. Dorthea Litson read the agenda. No questions or amendments to the agenda.
Action: The agenda accepted as read.
Motioned by Calvin James
Seconded by Dorthea Litson
Voting: 3 yes; 0 no; 1 abstained *Motion Carried*
- e. Reading last meeting minutes, March 23, 2014, conducted by Dorthea Litson. No questions, comments, or corrections.
Action: The last meeting minutes accepted as read.
Motioned by Calvin James
Seconded by Bennie Litson
Voting: 3 yes; 0 no; 2 abstained *Motion Carried*
- f. Announcements:
 - Workshop – Plant, Soil, and Water Relationships, Saturday, April 12, 2014 @ Wheatfields Chapter House from 8:30am to 12 pm conducted by University of Arizona
 - INVOICES FOR 2014 ANNUAL OPERATION & MAINTANENCE FEE WILL BE MAILED OUT TO ALL FARMERS BY APRIL 19, 2014.
 - Tsaile – Wheatfields – Blackrock Chapter Meeting, Sunday, April 13, 2014 @ 10am
 - District II Grazing, Land Users, and Homesite Assembly, Tuesday, Wednesday, & Thursday, April 22, 23, & 24, 2014 @ Dine College Student Activity Room in Tsaile, AZ.

II. OLD BUSINESS

- A. NONE

III. NEW BUSINESS

- A. LUP Issues- Transfer, Relinquish, Probate
No action taken due to no request.

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- B. BIA – Request for collaborative to resolve Farmland issues:
- a. Probate Case
 - b. Idle farmlands
 - c. Alternative Plan

Lorena explained she wrote a letter to Sharon Pinto in February 2014 requesting to meet with her. She conducted several follow ups in order to schedule a meeting. The Gallup BIA office requested that we work with the Chinle Agency office as result we are meeting today with Ben, BIA.

She provided a history of how the farm lands within Wheatfields and Tsaile areas were developed in the 1930s. Our grandparents negotiated with BIA to develop farmland and today the average plots 16 acres.

From here, she explained several challenges the Farm Board are encountering dealing with idling farm lands:

1. Probate cases are on the raise. And several are Quit Titles. There are several people that came before us requesting why some people pay a minimal fee for their probate cases while some pay medium fee; and others pay an outrages fee.
2. Subleases were tried. No one wanted to sublease, but only one was willing to sublease to her sibling.
3. Surveys: We conducted surveys asking farmers why they do not farm. The stated the following:
 - No Farm equipment, and
 - Financial situation.
4. Privacy Act: This act does not allow the Farm Board to access land information such finding out who it belongs too. This act prevents the Farm Board to finding out which farmland belong to who at this time; makes it difficult to identify who to bill for Operation and Maintenance Fee, and no address information for mailing.

She mentioned these problems many times to Chinle BIA office staff; and to date there is no answer for resolving the challenges. For that reason, we requested the head person from Gallup BIA – Navajo Region to attend.

Dorthea spoke about the following and elaborated on some of what Lorena mentioned:

Yes, probate cases and idling farmlands are hug problem. In the Spring of 2010, this Farm Board wrote letters and mailed out certified letter to BIA Staff, Navajo Depart of Agricultural staff, Division of Natural Resource staff, and Chapter Council Delegates to talk about these matters on March 25, 2010. No one showed up to the meeting. We spoke with BIA staff in Chinle several times, and they always concluded it is up the Farm Board who works for the Navajo Nation. However, the Farm Board always stated that they are only considered a recommending Body of Government. The Farm Board argues that “AT THE END OF THE DAY, BIA (FEDERAL GOVERNMENT) IS THE ONE TO HAVE THE FINAL SAY SO!”

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We witness some families who have gone through the proper channel to overcome their probate cases. They hired the lawyer and have gone through the Navajo Nation Court System, but BIA continues to hold those families Land Use or Grazing Permit. BIA will not release the permits.

At the same time, we hear from other Farm Board members within different chapters of what they have tried to overcome these probate cases and idling farmlands. For example, in Many Farms, the Farm Board have decided to cancel at least 30 plus idling farmlands, but when it reached the Navajo Regional Area Office in Gallup it was ruled out due to farmers stated that they will use their land. In Ganado, the Farm Board shared that they started collecting the Operation and Maintenance fee at \$20 per acres for major irrigation repairs, but that did not work for them. Finally, we know that our water rights are at stake too. As a result of these, the Tsaille- Wheatfields-Blackrock Farm Board worked jointly with the Dineh Water User Association and Farmers to create an Annual Operation and Maintenance Fee that charges \$3.00 per acres.

The Farm Board would like to improve more irrigation systems for Upper Wheatfields and Tsaille area, but probates cases and idling farmlands HENDERS the improvement. We also established an Implementation Plan that can range from 5 to 10 years, and called it an Alternative Plan. This Alternative Plan states all the idling farm lands be subleased to Farm Board, and the land owner be required to be involved every step of the way. Whatever, is being produced on that land, 50% will go to the land owner and the other 50% will go to the Farm Board.

Now, the question to the BIA staff is, “Are you willing to support our plan?”

Ben Begay, Range Technician, BIA staff, Chinle Natural Resource Office, talked and elaboration on the following;

1. Handling of probate cases, quit titles, and idling farm lands.
This Farm Board is the not only who are trying to address the issues and concerns of the idling farmlands. Farm Board of Many Farms and Shiprock area have provided their challenges and concerns. In Many Farms the Farm Board took 33 cases of idling farmlands to BIA, Gallup Navajo Regional Office, to cancel. However, this never happen. Due to these concerns, the next meeting is scheduled as follow:

DATE:	Thursday, April 17, 2014
PLACE:	Many Farms
Topic:	Developing a plan to address idling farmlands.

2. Collaboration within the BIA system
The collaboration among the staff is a problem. The technicians are sent out to meeting with the grass root people to hear their concerns and issues, but the technicians are unable to report these problems to directors during staff meeting. Technicians seem not to have any authority of presenting what was shared. Recently, on March 10, 2014, the

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staff had a meeting about resolving probate case issues, but the solution to the problem was not decided.

Within the Chinle BIA office the staff seems not to have a stable director that can stay for more than two years. He witness several directors administer their duties and responsibilities in different ways. The following are some of the things he saw:

- a. Nelson Roanhorse – Director at Agency level. He was the only one who actual canceled a Range Unit in Nazlini area. The family members were in huge dispute of this. Once it was canceled from them it turned to open range, and it seem to settle the people down.
- b. Edward Carla – a Superintendent at the Agency level. He was able to reissue grazing permit or land use permit if it was not in dispute. It did not go through court system. This is when several probate cases ore quite titles were resolved.
- c. Wilbert Brown, a Director at the agency level. He removed the protocol that Edward Carla was using. He made all people deal with the probate cases and quite titles by going through the court system. As of today, that continues to be practiced.
(Based on what has been witness, it really is important to have a **STRONG MANAGER**)

3. Collaboration among BIA and Navajo Nation

{Navajo Nation Government} _____ {Federal Government, BIA}
GAP

There is not collaboration between the Navajo Nation and BIA. It is a government to government relationship. This makes it hard to do anything. There are no clear procedures and agreements in place. This is why probate cases and quit title are hard to handle. There is no real process in place. The question is, “What is the process?”

Ben stated that he is sure something can be accomplished only if it is a priority of the Navajo Nation Council and BIA staff. For example, in terms of Water issues, the Navajo Nation requested that they take the Water issues from the Federal government. As a result, the Farm Board has been established. Now, if the Range Improvement Act of 2014 is approved then BIA staff will be removed, and the grazing members are going to become full time employee.

4. Recommendation

Ben recommended the Farm Board will need to continue to write to the Sharon Pinto of next steps the board is doing with their Alternative Plan. Currently, Calbert Curley is Chinle assigned manager; Pearl Chamberlin is the supervisor to Calbert; and Sharon Pinto is the Director of all Natural Resources Division in Navajo Region, Gallup Office. He also commented that Chinle Agency Office selected a new manager at this time, but is unsure if he will accept the position. His name is Leonard Notah, and comes out of New Mexico. Amos Johnson oversees the NPL is sometime assigned to work with Chinle.

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Questions, comments, and suggestions:

Lorena commented, “How many of us really understand what sovereignty means at the community level? Maybe we need to conduct our own research to have a better understanding of it.

Thomas commented that for grazing member it is becoming hard to deal with probate cases and quite title as well. In addition, the transfer is becoming difficult too. The Navajo Nation Court system handling these cases is a challenge for many. He supports the Farm Boards effort to implement their Alternative Plan. The Grazing can reaffirm their supporting resolution for the Alternative Plan.

Bennie stated he has many concerns about the governments. As Dine’ People have to deal with two governments that don’t to talk to each other. For this reason, many people encounter so many problems not only in the area of farming or ranching, but also in other areas. The Navajo Nation government may think it exercises its sovereign rights, but come to the point the Federal government, BIA, has the final decision. His next questions is, “How much authority does the Farm Board or Grazing Official have as an elected officials?”

Lorena commented, “As mention before the Farm Board and Grazing Officials are considered a Recommending Body of the Navajo Nation Government.”

Bennie stated, “As a Farm Board member or Grazing official, you all were kind enough to run for your positions, with the thought of doing something GOOD for YOUR PEOPLE, and the people elected you. I am sure as a leader you witness and experience several challenges, and that is what you are trying to overcome for your people. You are all trying so hard. You have to have some sort of authority. As a registered voting citizen of this community, Tsaile-Wheatfields – Blackrock, I acknowledge you for all the efforts that you are trying to do for our community and I respect you my leaders and know that you have authority to something right for your people. As a result, I am going to motion the following:

- We are going to move forward with the Alternative Plan that you have developed. We write a resolution to the Chapter Government to request their support for the Farm Board’s initiative to revitalizing the community’s farmlands.”

The people commented and suggested the following language needed to be written in the resolution:

- Address the authority issue
- Explain the Alternative Plan: it without canceling a farmland from the farmer, but the farmer has to work with the Farm Board.
- The Alternative Plan is for ten years.
- State the Water Rights Issue
- Health concern of community people

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Action: Write a resolution to the Chapter Government to request support for Farm Board to implement the Alternative plan that they have developed to revitalizing the Community's farmlands. The resolution will address what has been mention above. Finally, to continue writing to Sharon Pinto and other important stakeholders to inform them of the initiative that the Tsaile – Wheatfields - Blackrock Farm Board members moving forward with.

Motioned by Bennie Litson

Seconded by Thomas Litson

Voting: 7 yes; 0 no; 3 abstained

Motion Carried

C. Water Masters and Water Releases for irrigations

Dorthea explained that last year there were three water masters, Calvin James, Merle Kedelty, and Brandon Bia. They were lay off the first week of December. At that time, they were working on replacing pipes in Tsaile Farm area.

All three will be returning as to April 14, 2014. However, I will need to work meet with them on Friday, April 11, 2014 for about an hour.

The other is when shall we release the water from the Wheatfields Lake, so Lower Wheatfields Farmers can irrigate.

It was decide to release water on April 29, 2014.

Action: The Water Masters will start their work on April 14, 2014, meet with Dorthea for an hour on Friday, April 11, 2014, and Dorthea will write a letter to Safety of Dams to release water from Wheatfields Lake on April 29, 2014.

Motioned by Calvin James

Seconded by Thomas Litson

Voting: 9 yes; 0 no; 2 abstained

Motion Carried

D. Final Report of their First Nation Grant - Farming – Dine' Policy Institute

No show from Dine' Policy Institute.

Action: Contact them and request that they present at next Farm Board meeting.

E. District II –Grazing Member Workshop Planning

Thomas, grazing representative, reported what was talked about at Chinle Agency. He also mention that they will have a CLUP meeting on Tuesday. For that meeting they will be talking about the roads. They are asked to identify places that need culverts for animal crossing and irrigation water passages.

Next, he talked about the three day workshop that they are planning for on Tuesday – Thursday, April 22 to 23, 2014 at Dine' College. The topics for each day are as follow:

- Tuesday, April 22, 2014 Workshop is focus on Range Land and Grazing Issues

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- Wednesday, April 23, 2014 Workshop is focus on Land Use
- Thursday, April 24, 2014 Workshop is focus on Home site Lease and NHA – Housing Opportunities

Action: Write a resolution to CLUPC to have them identify the three culverts needed for irrigation purposes. These will need attention when the roads are to being built.

Motioned by Bennie Litson

Seconded by Calvin James

Voting: 7 yes; 0 no; 3 abstained

Motion Carried

F. Grant Opportunity – Food Policy Research

Dorthea explained the grant opportunity regarding developing food policy for our producers. The funding is coming out of RIDGE Center for Target Studies. This opportunity was brought to her attention from Michael Patrick, New Mexico State University, and Don Albrecht, University of Utah through Benita Litson, Land Grant Office Dine’ College. She is planning to meeting with Michael Patrick and Benita Litson on Tuesday, April 8, 2014 @ 4pm Chinle Junction Restaurant, Chinle, AZ.

Thomas mentioned that this is a great opportunity. He and another grazing member met with a USDA person regarding ways to have local producers to accept EBT cards, so costumers have access to health foods.

Lupita commented that there is a need to identify land for building. She asked about what will be studied.

Dorthea replied, “Develop way for our producer to sell their product. For example, if Lupita grows peaches than if she decides to deal with Bashas then what policy is place that will allow her to do that?”

Ben mentioned that it is really thinking about the food safety measure for selling. For examples, several years ago the people in Many Farms who grew corn decided to sell to large cooperation they were unable to meet their standard. The standard was to have moisture content, must have 5 year stem, and quality of corn.

Action: To accept to move forth with this grant opportunity.

Motioned by Lupita McClannahan

Seconded by Bennie Litson

Voting: 8 yes; 0 no; 2 abstained

Motion Carried

IV. REPORTS

A. Farm Board

No reports by Farm Board

B. Water Users

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Dorthea Litson reported on two items:

1. She is working with Internal Revenue Services to re-establish the organization. She was asked to submit a Reasonable Cause Statement and File 990 for the years 2007, 2008, 2009, 2010, and 2011. Now, she is waiting for next steps.
2. She requested for someone to represent the Tsaille – Wheatfields – Water Users at the Dineh Central Arizona Water Users Association meeting on April 16, 2014 @ 1pm Many Farms Chapter House.

Action: We asked Lupita McClannahan to represent Tsaille – Wheatfields Water Users at the scheduled meeting on April 16, 2014 in Many Farms, AZ.

Motioned by Bennie Litson

Seconded by Calvin James

Voting: 8 yes; 0 no; 2 abstained

Motion Carried

V. CONCLUSION

- A. Identify next agenda items

Farm Board and Water User will work together to develop next agenda items.

- B. Scheduled next meeting date to Wednesday, April 23, 2014 @ 5pm Land Grant Office , Dine' College, Tsaille, AZ.

- C. Adjournment of meeting at 6:00pm

Action: The meeting adjournment accepted.

Motioned by Bennie Litson

Seconded by Calvin James

Voting: 9 yes; 0no; 1 abstained

Motion Carried