

**TSAILE/WHEATFIELDS CHAPTER
COMMUNITY LAND USE PLANNING COMMITTEE MEETING
Monday, May 21, 2018
2:00 p.m.**

**CLUPC SPECIAL MEETING
M I N U T E S**

PRESENT: Lucinda Davis, President
Thomacita White, Vice President
Marjorie Johnson, Secretary
Charles Chee, Grazing Official
Micalson Bahe, Community Member
Virginia Chee-Bahe, Community Member
Micolleen Bahe, Community Member
Genevieve James, Community Member
Stephanie Tsosie, Community Member
Venora Nez, Community Member
Michelle Bahe, Community Member
Alexander Nez, Community Member
Louise Blackgoat, Community Member
Jessie Tsosie, Community Member
Alta Begay, Community Member
Nelson Begaye, Council Delegate
Zane James, Tsaile/Wheatfields Chapter President

ABSENT: Margie S. Begay, Member

RECEIVED

MAY 25 2018

**Tsaile/Wheatfields
Chapter**

BY: AB

MAY25 9:15AM

ORDER OF BUSINESS

- A. Call to Order/Welcome:
The CLUPC Special Meeting was called to order by the CLUPC President at 2:23 p.m. immediately following the Tsaile/Wheatfields Chapter meeting.
- B. Invocation
The invocation offered at the Tsaile/Wheatfields Chapter meeting by Nelson Begaye, Council Delegate was recognized as continued blessings for this meeting.
- C. Adoption of Agenda
The proposed agenda was read into the record by the CLUPC Secretary. A motion was made by Charles Chee to delete #5, change meeting time from 9:00 a.m. and add EPA Conference under New Business, seconded by Marjorie Johnson. The motion was passed by a vote of 3 In favor, 0 opposed and 1 abstention.
- D. Announcements
 - None

1. REPORTS

- A. President: CLUPC President participated in ICIP training in Farmington on May 17, 2018 regarding development of ICIP plans for the funds currently being released. She met with Marlene Hoskie to request assistance with the Tsaile/Wheatfields 5-year plan. She stated a manual/template is being disseminated for this purpose, Ms. Davis requested the

manual/template be provided to Tsaile/Wheatfields CLUPC for its use. Ms. Davis was informed by Marlene Hoskie that the Tsaile/Wheatfields Chapter Secretary, Ken Nataani, informed her the Tsaile/Wheatfields 5-Year Plan would be contracted out for completion. The Tsaile/Wheatfields CSC was consulted on Mr. Nataani's statement. The Chapter CSC stated the Chapter didn't say that, it hasn't been discussed by the Chapter and funds are not available to contract this out. She stated CLUPC will work on it. Marlene Hoskie then agreed to leave the 5-Year Plan manual/template at the Tsaile/Wheatfields Chapter this week (Tuesday or Wednesday) so CLUPC can begin working on the 5-year plan.

- B. Vice President: CLUPC Vice President stated she has been unable to contact Chris Begay in the Office of the President and Vice President regarding the Dine' College compliance issues due to OPVP Treaty activities, i.e. run from Ft. Sumner. She will continue her efforts to contact him regarding to Dine' College proposed lease.
- C. Secretary: None
- D. Grazing Official: None
- E. Council Delegate/Staff/Others: None

2. OLD BUSINESS:

- A. Dine' College 25 Year Land Lease: CLUPC President reported the CLUPC Secretary gave notice she will make a motion at the June 2018 Chapter meeting to rescind Resolution TWFY18-071 because it wasn't done correctly. She asked the Grazing Official if Dine' College has ceased activities. It was reported Dine' College is still hauling logs out from the Black Rock area. CLUPC President stated she asked Michael Yazzie, Navajo Nation Forestry, if Dine' College obtained a permit to clear trees or to harvest logs. Michael Yazzie didn't know anything about it. The CLUPC President will contact Alexious Becenti, Navajo Nation Forestry, to ask if any permits have been requested by Dine' College.

Genevieve James, Community member, reported seeing an ATV going onto the back road. She followed him in and he turned around; she blocked his exit and asked what he was doing. He said he was sent by the College President to see where the back road is and he was just checking the area. She noticed he had a bag with spray paint. She informed him the project was stopped and to return to the President and inform him "We are telling you, you can't be up here and have no jurisdiction and no proof." It was reported Mr. McKenzie was seen opening gates at the College for people who are hauling in logs on Saturday and Sunday.

Stephanie Tsosie (???), a student at the College, stated she has asked about the oral history of the college. The instructors don't know who the families are who donated the land. There is no clear answer on when they were authorized to begin construction. It was also stated the College President did not recognize all land donors during the commencement exercises.

Zane James, Chapter President and Nelson Begaye joined the meeting. CLUPC President stated the reason they were requested to come to the meeting is to inform them Dine' College is clearing areas without an approved land lease and proper Navajo Nation

approval in different areas. The Tsaille/Wheatfields Chapter had requested development stop until the situation is legally approved. Community members Michael Bahe and Micalson Bahe reported areas around their family burial site(s) are being cleared. At a Dine' College meeting, community members voiced their concerns but were not heard. Despite community concerns, Dine College's position is they will continue with their planned development.

The CLUPC President stated, "We're only speaking for the people here. The people who live there, who are impacted, that's who we are listening to, who we are supporting." Now Dine' College is clearing without any approvals. Michael Bahe reported artifacts (trees, rocks) that had recorded history, have been destroyed by Dine' College. Our prayers, offerings, rocks have been destroyed or moved. We are requesting Dine' College be considerate of people who live there."

CLUPC believes Dine' College does not have a permit to clear trees or harvest logs; the HPD Class III survey has not been completed by Iris Begay; yet Dine' College cleared this area without their decision. Michael Bahe reported Lindsey Benally completed a survey. He told her all the sites, mapped them out. None of the sites he cited wasn't in her report. This concerns him. To CLUPC's knowledge, the official Class III survey is not complete.

Zane James, Tsaille/Wheatfields Chapter President stated Dean Gamble came to him in June 2017 before Charles Chee was elected as the Grazing Official. Mr. Gamble asked him to sign a document, the only thing lacking for Dine' College to do its land lease. The Chapter President stated his Nali, Lorraine Johnson-Sorrell asked this go back to the people. The Chapter President requested, if there is anything CLUPC realizes, its that he could have given his approval rather back in June 2017, instead of referring Mr. Gamble to the Tsaille/Wheatfields CLUPC. CLUPC held public hearings and the Chapter passed a supporting resolution on February 14, 2018 that states the Dine' College boundary when they do the lease. Dine' College still need to get a completed Class III survey; when that is complete, the College will do land 25-year land lease. He did not attend the community meetings at Dine' College. He saw Dr. Roessel at the tribal consultation in Albuquerque but didn't get a chance to talk to him regarding the College's activities.

Mr. James volunteered to meet with Mike Halona to find out what the process is. He recognized Nelson Begay, Council Delegate and Board of Regent member, as key to this issue. He asked Nelson Begay to mediate this issue. As a Chapter Official, he does not vote on any issues, he only votes in the case of a tie. He again stated to CLUPC and the community members in attendance that he could have signed the document back in June and people wouldn't have had any say.

Mr. James said, "Let's work together to come to a compromise. People won't look at it the same, somebody will be upset and disappointed. Our youth attend the College, community members work there; we (the Chapter) asked them to preserve the sacred sites. The people who have grazing permits, be aware -- you have to have a plan for your area, start looking toward something of that sort." He stated Timothy Begay and Tamara Billie, HPD were invited to the February 14, 2018 Chapter special meeting to address the

Class III survey; the report wasn't complete at that time. This is the Chapter's recommendation (resolution) on where the boundaries should be, according to what Allan Begay said, to recognize the fenced area. That is what the Chapter approved and what the College should be going by. It was reported to the Dine College President that the College is going way beyond the recognized fence line. Mr. James stated he would send email to Nelson Begay and Paula Begay on results of his Window Rock meetings.

Genevieve James, community member, stated she went to Window Rock and met with Tamara Billie. When she got there, she was told there were ten (1) survey requests, the Dine College request was at #10. Tamara Billie stated she has to work on all these packets. For one package, the President from Dine' College kept harassing her every day, telling her to hurry up and sign it. So that's where everything came out. Her boss came in and said, you can't open that package, there is a dispute on that. If he's been calling, how come you didn't tell me. Her told her to put it aside, he would address efforts to go behind his back and having it signed right away. He stated HPD is under Navajo Nation, they take an oath when they come into the office. She (Tamara Billie) said she would leave it the way it is. There were two pictures, everything was there; one had just one burial site. There's more than what they put on that. It was just done quickly.

Genevieve James asked people if they voted on this. Some people got paid for that. She stated she was going to go down to St. Johns to find out who was all involved. She stated Virginia (Chee-Bahe), Hastiin Nez, clause chee clan members resided there for a long time. Victoria (Notah) told us, people are saying just drunks live there. The new generation want to know where they are going to build their homes, that's the reason why they want the process to be done properly, instead of just behind our backs and bypassing us. We are saying, No, we will talk about it.

CLUPC Secretary Marjorie Johnson addressed the Council Delegate and Chapter President stating the focus of CLUPC is to ensure compliance with Navajo Nation laws by Dine' College. Without proper land withdrawal, Dine' College is in violation of Navajo Nation laws by continuing development. Without required forestry permits and HPD Class III survey, Dine' College should not be clearing disputed areas. CLUPC also want to ensure community members are heard. She stated the Council Delegate and Chapter President both were elected by the community members, not Dine' College. CLUPC Secretary stated her research into the Robert's Rules of Order causes her to state the Chapter President was wrong to stop debate on the substitute motion. Robert's Rules allows for debate on substitute motions. Chapter officials' statement for "clarification only" served only to confuse community people on the vote on the substitute motion.

Chapter President Zane James stated since he took his oath in 2008, as a Chapter Official, he has always ruled no debate on substitute motions and it was never questioned. He stated the Chapter officials even gave Lorraine Johnson-Sorrell the opportunity to add it (rescinding resolution??) to the Chapter Planning Meeting agenda. Mrs. Johnson-Sorrell stated CLUPC was supposed to be at the meeting but weren't there to support the community members. If you want, we can discuss this at the June Planning Meeting, come to the meeting, it's open to the public. It's a majority vote. We are supporting February

resolution, it will go to Division of Natural Resources. Mr. James stated he will meet with Mike Halona to ask if laws are being broken or if they (Dine' College) are following the laws. From this Chapter, we are trying to be accountable.

He stated some of us have a vested interest. We have ceremonial people; if they can't be here, have them do written statement with their signature. Have documents from CLUPC Public Hearing. It's a public meeting, make sure it's on the minutes. That's what the people said, with majority vote. If you say you didn't give me enough time to talk, if that was the case, I would have signed it last summer. The Chapter President said he wanted everybody to be involved.

It was reported that a student died in one of the dorm. From there, another student hung herself. Another girl was raped. Security was there, comments are that it was done by Security who works there. That is why this issue is putting people against each other. It's a great concern. The President was informed Mike Halona stated in a meeting with CLUPC last fall that he would approve whatever the College presented to him. With that knowledge, the Chapter President stated maybe he should approach the Office of the President and Vice President. He stated maybe what he will do is write letter to the President to solicit information from Division of Natural Resources, Forestry, Historic Preservation Department, other stakeholders and subject experts and ensure CLUPC is invited so they can hear it from the horse's mouth. Chapter President stated he's said all that needed to be said, he's here to vote with the people. He will look into it and check into it. CLUPC Secretary asked the Chapter President to find out what penalties may be facing the College for violations of Navajo Nation laws.

The Grazing Official confirmed Mike Halona is in support of Dine' College. He stated the clearing is being ordered by Delbert Paquin. James McKenzie is the next one, trying to pay money under the table. There is evidence of this. There are people supporting one another. As for the Maintenance Department, people are stating buildings are not being fixed. At the Culture Center, there is no sprinkler system, the escape route is closed off on the third floor. The general classroom windows are welded shut. In the dormitory, there is one boiler that has been neglected. The same way with SUB, a boiler almost blew up. Dine' College is not taking care of its buildings.

The GO was thinking of the College from June to now, and way before then. At one time there was a proposal to have a police academy/training center at the College. The College wasn't made for that purpose. Prayers for hozho' were said for the College, not the other way. Hozho, that's what we need.

Jessie Tsosie, community member, stated when the Dine' College land withdrawal was being discussed, she was asked for her thoughts. She was told by a lady that her children may go to school there one day. She said, "maybe, it will happen in the future." If it is approved, she stated she would only support the land that is given then, the College was not to go beyond that. That was her statement when she gave her approval. That's what she signed. She has two sons who attended to Dine' College.

Nelson Begaye, Council Delegate, commented the land withdrawal resolution was approved back in 1968 by the Advisory Committee with the supporting Chapter resolution. Larraine Johnson-Sorrell is asking the Chapter to rescind it. The Council Delegate recommended CLUPC put two resolutions together. Any resolution can be rescinded, it can be revised. It is not edged in stone. He recommended CLUPC review what the resolution states.

If you look at the points listed in the Advisory Committee resolution, and the fence line, it is talking about two different areas. We're saying through this resolution the boundary will be the fence line. There are a lot of issues on this. It states these people have consented, where are those consents? CLUPC needs to consider this, you heard statement from Jessie Tsosie that she gave her consent. When you have arbitration, you need to get right to the point. Rescind this resolution based on what, timeline. How it comes out, if you rescind this resolution, does the original resolution automatically come back. CLUPC may need to request a legal opinion: "if this resolution is rescinded, will the original resolution be brought back up."

Identify reasons why you are rescinding these resolutions. At the meeting, be careful of what your resolution says. It is crucial CLUPC has official records, it needs to be documented. When this goes to court, all you need is a good lawyer. DOJ can only issue opinions.

The Council Delegate stated comments regarding Dine' College staff, i.e. Delbert Paquin, is concerning to him, he can address those concerns at the next Board of Regents meeting. He recommended CLUPC identify a person who knows the law to mediate the land withdrawal issues; Tom Tso may be a good person, he will not be persuaded by Judges or Dine' College. He recommended CLUPC not hire anybody who has a history with the College.

The original resolution issued, TWFY18-071 was certified by Zane James, as the Chapter President, as correct. CLUPC should find out when it was received by the College and date stamped. CLUPC needs to confirm they (Dine' College) are working with an invalid resolution. The Grazing Official stated he told Dr. Roessel the resolution was invalid at the Community meeting but was told to shut up by the new head of DPI. The Grazing Official was assured if it's a community meeting, he has every right to do certain things, as long as he is a registered voter.

CLUPC should issue a Directive on how you want to resolve this issue, i.e., by the end of the month, and have a special meeting. The CLUPC Secretary asked if CLUPC could request legal assistance from DOJ? CLUPC is a recommending body to the Chapter, the Chapter should advocate for CLUPC. There is nothing to stop CLUPC from going to DOJ. Just tell them you have tried working with the Chapter, request an opinion. Have a record of all legitimate concerns, give it to them and request an opinion. CLUPC, as a Body, under the Chapter, has every right to go to DOJ, you don't need to get your own lawyer. Individual community members can get their own lawyers.

The last recommendation was to use the media. Invite Navajo Times, Gallup Independent to your next CLUPC meeting, then people will realize the problem if you use the media correctly.

On another issue, the Council Delegate stated CLUPC was bypassed with the \$5 million plan. He confirmed his attendance at the June 10th CLUPC meeting to make a report and assist CLUPC.

- B. CLUPC 5 Year Revisions: CLUPC President stated she will check with the Chapter this week to ensure the 5-year Plan packet is received from Marlene Hoskie. Once it is received, CLUPC can begin working on the 5-Year Community Land Use Plan.
- C. Rural Addressing: CLUPC President stated the Chapter CSC stated she will provide all GPS data to CLUPC. When this is received, the deadline and plan of action set by the Tsaille/Wheatfields Chapter during its Chapter meeting will be discussed. CLUPC President will email CLUPC Members when she receives the information.

A motion was made by Thomacita White, seconded by Charles Chee, to accept Old Business as discussed. The motion was passed by a vote of 12 in favor, 0 opposed and 1 abstention.

3. NEW BUSINESS

- A. EPA Conference, June 20-25, 2018: The flyer for the **Navajo Nation 2018 Conference, Protecting Mother Earth Begins With Us** was received from the Chapter CSC with invitation for CLUPC to select CLUPC members to attend and participate. A motion was made by Marjorie Johnson, seconded by Thomacita White to select Marjorie Johnson and Thomacita White to attend the 2018 EPA Conference. The motion passed by a vote of 3 in favor 0 opposed and 1 abstention. Information will be forwarded to Chapter CSC.

4. SCHEDULE SPECIAL CLUPC MEETING (Deleted)

5. NEXT REGULAR CLUPC MEETING

- A In accordance with the CLUPC Plan of Operation, the next Regular CLUPC Meeting will be held the second Sunday of the month, on Sunday, June 10, 2018 at 10:00 a.m.

6. ADJOURNMENT

A motion was made by Marjorie Johnson to adjourn the meeting, seconded by Thomacita White. The motion was passed by acclamation. The CLUPC Meeting adjourned at 4:26 p.m.

Electronically Submitted
Marjorie Johnson, CLUPC Secretary