

**Tsaile/Wheatfields/Blackrock Chapter**

**Community Land Use Planning (CLUP) Committee Meeting**

**Sunday, November 8, 2015**

**10:00 AM**

**Meeting Minutes**

**1. Order of Business**

A. Call to Order: Meeting called to order at 10:35 am, by CLUPc Member Marjorie Johnson. Running meeting for CLUPc President Lucinda Davis.

Roll Call:

P Marjorie Johnson                      P V-P, Lucinda Davis                      T Sec. Thomas Litson  
A Member, Kathy Johns                      P Member, Kuhyonre E. Nata'ani

B. Invocation: Conducted by K.E.N. Nata'ani

C. Adoption of Agenda: Read by CLUPc member, K.E.N. Nata'ani; CLUPc reviewed the agenda. **Motion by Lucinda to adopt the agenda. Second by K.E.N. Nata'ani. Vote: 10 in favor, 0 opposed, 1 abstain.**

D. Approval of Meeting Minutes: September 13, 2015 - Minutes of the last duly called meeting of September 13, 2015 was respectfully requested by President Johnson to be deferred to the next duly called CLUPc meeting for the present meeting to focus on the Annual CLUPc meeting.

Meetings of the 13 september 2105 meeting to the next meeting.

**Motion by K. Nata'ani to defer the minutes of September 13, 2015 till the next meeting. Seconded by T. Litson. Vote: 10 in favor, 0 opposed, 1 abstain.**

E. Announcements:

- 1) 9 NDOt road inventory meeting round rock chapter @ 10 am
- 2) November 10<sup>th</sup>, 2015 – Turkey Trot at Tsaile Senior Center
- 3) VA Meeting – November 10, 2015 @ 5 PM
- 4) November 12, 2015 ndot (
- 5) CDBG at Pinon Chapter
- 6) November 12, 2015 Tsaile senior center thanksgiving dinner (chapter in one big dinner)
- 7) RDC 10 Am 24<sup>th</sup> november
- 8) nov 22<sup>nd</sup>, 2015...jordan river 12 non
- 9) TWB chapter meeting 11-23-15

- 10) November 11, 2015 - Chinle Agency Council meeting at the high school
- 13) November 13, 2015 . BOR Meeting at Diné College

24<sup>th</sup>, RDC will finally be at the chapter, for this body....ground breaking of the chinle senior building.

Farm board meeting today at 1 o'clock.

## 2. Reports

Delegate Begaye: Thank you for the floor.

- The passing of Lukachukai Chapter Secretary Harry Clement; and the support of community members.
- Noted on Chapter Administration is starting to control CLUPc activities.
  - a. Diné College is starting to withdraw land for new uses.
  - b. Farm Board is looking at a 2.9 million request to continue to endeavor for farming – for Upper and Lower Wheatfields, and Tsaile.
  - c. LDA – still not appointed an LDA....last year almost lost that money. President Begaye line-item veto and veterans funds, \$350K not utilized for Water Resources, for my LDA...transfer to the five chapters. 51k divided by 5 chapters...regional council....
  - d. Siih Hasin Project, potential use for the Tsaile Water Project for Ram Pasture and Rough Rock....current conditions of chapter constituents live in conditions similar to a Third World country.
  - e. Road Stimulus mentioned at the last meeting. Some delegates are trying to tap into the Permanent Trust Fund which requires a referendum vote. Believes too many chapters will vote.
  - f. \$60 million dollar loan was approved Tuba City Judicial and Court Complex. Crownpoint used the same money from the loan, and the rest of the loan was given to Chinle. A nice facility is planned to be built but it was not with road money...Public Safety and RDC redirected the money to Chinle...the first year funding was redirected to Chinle.
  - g. Window Rock CIP plan, we need to refurbish Tsaile-Wheatfields-Blackrock Chapter CIP every year.
  - h. \$400K allocated for Tsaile WIC.

Adella Begay: Public Safety in Chinle...are they going to put up a building?

Nelson Begaye: Three buildings...jails, administration, and a judicial complex.

Adella Begay: The loan from Key Bank to address Tuba City, Crownpoint, and Chinle. Is that the IGR fund?

Delegate Begaye: That BIA was gonna continue to fund the operations. An audit was done for the IRA funding because there were discrepancies. Percy Deal was very committed to continue the audit that was done in the Tuba City.

T. Litson: 638 funding...the operations.

Delegate Begaye: Reaffirms CLUPc is the starting point for all resolutions.

M. Johnson:

1. Transferring money to the LDA position, the policies and procedures do not allow for the positions.
2. Maintenance and Operations, there is no money budgeted for operations and management which is why buildings are not being taken care. 638 contracts only get 8% of their budget from BIA and the rest was covered by the Navajo Nation. When Chief Justice in office, he strongly advocated the trust relationship established and stated in the treaty to be reaffirmed.
3. That CLUPc pick up the Five Year Plan.

Delegate Begaye: N12 to I-40, Window Rock, Crystal, and back to Canyon de Chelly has been designated as a scenic byway...that this body be part of the planning.

On November 10, 2015, at the Chinle Junction restaurant, the Sacred Sites committee will meet at 10 am.

The whole area is a sacred site. Why are individuals that cannot talk Navajo part of this committee?

The Diné Hatalii Association, and the Navajo Medicine Man Association, and Azee be Nahaghai are starting to be invited to the Sacred Sites Committee, and they want to be art of the Nation but they are non-profit.

Devon Begay: For the LDA, I encourage you to hire one, would be beneficial. Be on the same page....

M. Johnson: Encouraged Delegate Begaye to find someone fluent in Navajo, as his LDA.

Talking with husband on the government structure...it is liken to the politician to the large areas, and the reduction of the legislative branch would decrease budget expenditures but it has not changed, rather the legislative branch's budget continues to increase.

**Motion to accept Delegate Begaye's report, and excuse Delegate Begaye to attend another meeting. T. Litson motioned, seconded by K. Nata'ani: 10 approved, 0 oppose, 2 abstains.**

Thomas Litson report:

188 acres of 890 is commercial forest area. Moratorium 880,660 area is range land. Half of Black Rock, RMUs, open range from Dzil Bideeghahi. Navajo Nation forestry plans to take an inventory.

Tsaile has the largest amount of moratorium land. Homesite leases are difficult to move, and encourages the delegates to lift the moratorium. NRC has funding for projects that could be funded, but the moratoriums are hindering these projects.

Letter from Sharon Pinto, BIA, transfers are delayed because conservation plans are needed. But cannot because of these buffer zones.

NIFA Act and Arc Act of 2013.

Grazing reps are not turning in their tallies, because of the cuts in funds; the reason is “why return in these reports when they are not supported from the tallying agencies.”

M. Johnson: President Begaye performed cuts to increase his own budget?

T. Litson: Agency meeting discussion reports to replace Eugene Tso with Roland as the new Grazing Executive member.

Conservation plans are intricately tied to grazing permits, for open range for RMUs are ...inventory. Before BIA Range Inventory is complete, and get the permits before the inventory is complete.

We are the only grazing district to submit electronic minutes, and documents, claim forms to the Agriculture Department.

Terra Report – take the DOI out of NIFA that protects our resources, encourage everyone to read the DOI.

B. Chapter – Committees: none

C. Membership – others: none

***No other report at this time. K.E.N. motioned to accept the reports. Seconded by T. Litson. Vote: 10 in favor, 0 opposed, 2 abstain. The reports are accepted.***

## **2. Old Business:**

A. Mapping: K.E.N.: The majority of the legwork was done over the summer. And the roads are getting muddy already. We have GIS capability through the internet, we do not need to go out to the areas.

T. Litson: There is room for more accurate information.

***K. Nat'ani motions to add an Amendment to the agenda to submit a CLUPc Resolution for the Tsaile-Wheatfields-Black Rock Chapter to provide to CLUPc, as follows: Two set of keys to the Chapter house, provide internet access, provide a laptop, provide a projector, and a budget for CLUPc to continue with their committee work and projects. Motion is seconded by President Davis. Vote: 8 in favor, 0 oppose, and 1 abstain.***

M. Johnson: Self-reported, she is currently travelling from Albuquerque, NM, where her son is attending a higher education institution, and she is not physically living within the chapter boundaries. Therefore the chapter should not dismiss her from the committee for the reason of living outside the chapter.

T. Litson: Referring to M. Johnson's consideration, as long as you are a registered chapter member, you may be part of this committee.

M. Johnson: President Davis will bring the next scheduled LRAC meeting date for the committee at the next meeting.

B. Cemetery Policies:

Marjorie Johnson: Defer to T. Litson.

T. Litson: Moved cemetery information, the only thing lacking is the plan of operation, email to everybody. Finalize the document and resolution to be moved forward to chapter.

3. Five –year plan update -> CLUPc continue with concrete plans to update the Five Year Plan.

***No other Old Business at this time. T. Litson motioned to accept Old Business. Seconded by K. Nata'ani Vote: 7 in favor, 0 opposed, 2 abstain. Old Business is accepted.***

### **3. New Business**

A. NDOT

Robyn Jackson: Heard that the Tsaile-Wheatfields-Black Rock Chapter is considering to move forward with gravel and aggregate operations.

I have questions about the activities, and a proposal for the Tsaile Peak area.

The proposed potential for a gravel operation within the chapter area gives rise to the adverse consequences being experienced by the community of Indian Wells Chapter with their gravel area experiences and concerns. Water wells were damaged, homes near the gravel operations area have experienced loosen house foundations, additionally, the soil and water near the gravel operations area are adversely affected.

Where is the exact proposed area? Is a comprehensive Risk Analysis prepared before any type of activity in the chapter area being provided or conducted? What are the assurances that the water wells in the area will not be adversely affected?

M. Johnson: From the attorney general, they do not need the approval from the chapter.

T. Litson: Land was disturbed at the site.

Marlinda Littleman: Representative from Navajo Division of Transportation (NDOT) – at the meeting to address questions and concerns. Marlinda Littleman, works with the Department of Roads. NDOT is pursuing a gravel pit study.

Former Division Director, Paulson Chaco, before leaving his position asked the division to look at existing data for gravel sites. The Tsaile Peak site came from Apache County, tried to extract, but not long ago. Back in May or June, a site visit was conducted to see where the potential sites were located. It is a proposed sand and gravel.

Marlinda referring to hand-out: Page 14 of PowerPoint:

Instruction on sites with existing data, no other sites were considered. If areas are near fish and wildlife, archeological, cultural sites, uranium, are near

The majority of the road projects are in Chinle. Illegal dumping, nearby the Rough Rock Chapter.

Proposed sites with nearby water sources, would be highly considered in factoring a determination of desirable location, and the volume of the gravel to be extracted.

The community members will probably not allow you to do this project in this area. All we can do it respect the area, no promising, water source,

Requires a chapter resolution later in the process.

Minerals Department stated, two months ago, you don't need a chapter resolution to do a geological investigation; we are presently working with two consultants from Albuquerque, NM, Wilson and Company subcontracting with AMAC.

The contracts are moving very fast. Geological Investigation, is only taking samples from the surface; test to see the quality, scheduled on the 11<sup>th</sup> of November for the Tsaile Peak area.

Marlinda will notify AMAC to not continue with geological survey.

Robyn Jackson: Reclamation does not return the land to the original state.

Marlinda: If the proposed site requires blasting, it will incur cost of a great deal of money.

Tolani Chapter and Shiprock Chapter areas are the other top areas.

Mining and reclamation plan, all addressed; risk analysis is what? What you mean by risk analysis?

Please elaborate....on risk analysis?

Robyn: Wheatfields has the best water. How will the quality of our premium water be affected by any level of disturbance? The risk analysis is any and all levels of consequences that will cause the quality of water to be affected at any level.

T. Litson: Does Farm Board have any water data to report?

No official study on hand. Water Management with Navajo Nation might.

Water Management has the information on the quality of the water.

T. Litson: The cons of the gravel pit remains unclear, more data is needed, and how it affects the community.

Currently, 12 permit holders are in the area, but not able to consent, District 11 grazing.

Marlinda: Drainage Analysis could be conducted. The results may say the materials are not good. Will it be worth it for us to put money into determining a report, such as the risk analysis?

If water is needed to extract the material, Water Resources will issue a permit before getting the water.

Marlinda: Brief Overview of the Gravel Project Overview

Phase 1) Still in Phase One, secure five sights, permits go to AMAC, will be here for the site proposals.

(Page 2) We don't have geologists or engineers. Had to outsource to Wilson and c Company, started the project in June 2014.

(Page 3) Look at existing data, or whatever data is available. no other agency was willing to get any data. Klagetoh, tolani, Wheatfields, etc,

Phase 2) Subsurface geology, will require an approved chapter resolution.

Phase 3) To hire a contractor, NDOT does not have the equipment, the contractors will have to work with chapters. Wilson and Company are the consultants...recon...brimhall.

(Page 6) Shiprock, Gad 'Ii'ahi are already working with the contractors.

Mainly at the beginning stages of the project.

AMAC will be in the Wheatfields area, and doing the geological investigation. The report will be forthcoming from AMAC.

M. Johnson: Opened the floor to the community for questions or NDOT.

Adella Begaye: Gravel is near the community water source, Tse Zhin Bitoh. All over the world, water is becoming a scarce resource. Our water source potential is going to be highly prized and wanted.

The issues of cost and safety, and depends on how the community views the adverse consequences of polluting our water source.

Annette Blackhorse: (Navajo language) The focus seems to drive on cost, and how 'cost' is misdirecting the actual focus of sacrificing the future for momentary development. Momentary development that will inevitably be short-lived. The preservation and protection of our water sources is more highly valuable that protects and nurtures a more sustainable future, a productive future for future generations.

Lorena Eldridge: (Navajo language) In the natural world of our community and resources...are complex and have been arranged in a delicate and sustainable manner, organic matter – our community is focused on maintaining the most healthy environment.

The political atmosphere seems to attempt to undo the healthy environment and resources, where all is available.

Devon Begay: Safety always comes first, looking at the bigger picture, cost is costing genocide, and should never be on the table.

President Davis and T. Litson: This is not the only site in the grazing area. Judge Holgate and the old gravel site; Anthony brown , grazing permit site, no reports, over grazing, only 11 consent. Study, what kind of facts that links surface and subsurface mining.

Not seen any specific data that would expose the adverse consequences.

Additionally, the water source nearby the proposed gravel site, Tse Zhin Bitoh is by legal definition a non-potable water resource.

Michael Yazzie?...Is the agent for the moratorium...Alexis Becenti is the agent.

Marlinda: Will not recommend for the proposed gravel pit near Tse Zhin Bitoh. Will continue with their resolution...Paula has a copy of the resolution.

M. Johnson: The community stated their views on the proposed gravel near Tse Zhin Bitoh. How does the Committee plan to move on NDOT's proposal.

President Davis: The proposal is for quality and quantity testing.

T. Litson: Allow the test to determine what we have...and then make a decision.

Sec. Nata'ani: Entirely against any level of disturbance that will be adverse to the eco-system. If any level of continued movement is being entertained, further notice will be given to other chapters to move against the proposal because the water source serves more than one, single chapter.

The movement to exploit natural resources is not in the best interest for the chapter and the greater Navajo Nation.

There are other avenues to pursue to develop roads in the chapter area; our greatest leverage is with the local college, Diné College.

M. Johnson: After hearing the community and committee. The matter will move forward to the chapter for consideration. As for the current situation, the testing will continue, where no chapter approval is required.



B. Reassignment of Tsaile Public Safety land for Tsaile WIC program.

Sec. Nata'ani: The matter of \$400K to be used in the capital construction of a new building for the Tsaile WIC program is being considered for a permanent site in the Tsaile-Wheatfields-Black Rock Chapter area, at the present location. The present location is withdrawn for Public Safety, however, no commitment for a permanent building has been allocated nor appropriated for the location, at the southwest corner of the RT 12 and RT 64 Junction.

The November 2015 TWB Chapter Planning meeting was presented with a resolution by the chapter administration and officials for the chapter membership to pass. The resolution and appropriate flow was determined to start with CLUPc for resolution to continue.

M. Johnson: Read the resolution for the meeting.

Sec. Nata'ani: (Read the resolution for the reassignment of the Public Safety land withdrawal to be reassigned to the Tsaile WIC program.)

T. Litson: Re-title the resolution to state a reassignment of the land withdrawal. If the resolution reads for a land withdrawal, that will open-up an entire process of EPA, archeological clearance, etc.

Dorthea Litson: How many acres? The plan and design on that piece of the resolution?

M. Johnson: Find the original Public Safety land withdrawal resolution. At January meeting re-introduce the resolution, and redo the resolution with all the specifications.

Sec. Nata'ani: Will commit to redressing the resolution to meet the stream-lined process for the reassignment of land for the Tsaile WIC Program capital construction project.

M. Johnson: Email the resolution to the CLUPc members. Find out from Paul, reference that resolution, the legal description. Locate the resolution that is in effect

T. Litson: Reference legal description, GPS should already be on that resolution.

M. Johnson: Defer any action on this resolution...revise...try to locate...re-designation and why.

C. none

***No other new business at this time. Sec. Nata'ani motioned to accept the new business. Seconded T Litson. Vote: 10 in favor, 0 opposed, 1 abstain. New Business accepted.***

**5. Next Meeting: T/W CLUPc Meeting –  
December 13<sup>th</sup>, 2015 10 AM, T/W Chapter house.**

**6. Adjournment: Motion to adjourn by T. Liston, and second by President Davis. All in favor. Meeting adjourned at 1:57 pm.**