

**TSAILE/WHEATFIELDS CHAPTER
COMMUNITY LAND USE PLANNING COMMITTEE MEETING
Sunday, December 12, 2017
10:00 a.m.**

MINUTES

RECEIVED

DEC 13 2017

PRESENT: Lucinda Davis, President
Thomacita White, Vice President
Marjorie Johnson, Secretary
Charles Chee, Grazing Official
Margie S. Begay, Member
Charlotte Begay, Community Member

**Tsaile/Wheatfields
Chapter BY: PAB**

1. ORDER OF BUSINESS

- A. Call to order/Welcome:
The meeting was called to order by the CLUPC President at 10:20 p.m. With five (5) members present, a quorum of the Tsaile/Wheatfields Community Land Use Planning Committee was declared.
- B. Invocation:
The invocation was offered by Charlotte Begay, Community Member.
- C. Adoption of Agenda:
The proposed agenda was read into the record by CLUPC President. Charlotte Begay requested the Ram Pasture Improvement Project be added to the agenda, and elevated in priority by the Tsaile/Wheatfields Chapter. She has a supporting resolution from the Chinle Chapter and drafted a resolution for CLUPC review and approval. A motion was made by Charlotte Begay, seconded by Margie S. Begay, to approve the agenda as amended. The motion passed by a vote of 5 in favor, 0 opposed and 1 abstention.
- D. Approval of Minutes
➤ November 12, 2017
➤ November 27, 2017 Special Meeting

The minutes of the November 12, 2017 and November 27, 2017 were read into the record by the CLUPC Secretary. A motion was made by Charlotte Begay to approve the minutes as read, seconded by Thomacita White and passed by a vote of 4 in favor, 0 opposed and 2 abstentions.

- E. Announcements: The announcements were reviewed by the CLUPC President.
- 12/10/17 Farm Board/Water Users Association, Conservation Meeting @ 8:00 a.m.
 - 12/12/17 Tsaile/Wheatfields Veterans Meeting, 5:00 p.m.
 - 12/13/17 Food Distribution, Tsaile/Wheatfields T/W Chapter, 10:00 a.m.
 - 12/14/17 ABNDN Meeting, Tsaile/Wheatfields Chapter, 6:00 p.m.
 - 12/18/17 Tsaile/Wheatfields Chapter Meeting/Christmas Dinner, 12:00 p.m.
 - 12/19/17 Grazing Permittee Meeting, Tsaile/Wheatfields Chapter, 12:00 p.m.
 - 12/25/17 Christmas Day, Offices Close
 - 01/01/18 New Years Day, Offices Close

DEC13 4:47PM

2. REPORTS

- A. President: CLUPC President stated she will be on travel this week and not available for any CLUPC meetings or activities.
- B. Vice President: The Vice President stated she missed the meeting with Dine' College DC meeting because her office (Telecommunications) was meeting with Universal Services Administration Council regarding cell phones and lifeline phones. Starting this month or possibly in January, cell phone providers may shut off services. They are now taking recertification process away from the carriers. They want customers to go online to recertify. USAC Chairman will be coming on December 18th to discuss recommendations. One suggestion is to place kiosks at the Chapters. MC Baldwin mentioned his program lost funding so they will not do rural address training anymore. She learned the Police Department is not using the rural addressing system; they hired a consultant to do their own rural addressing. The Police Department wants to put up a Data-Sharing Summit for departments and chapters so all can understand how all this will work. Everything is the responsibility of the Navajo Nation. They will do public service announcements to let everybody know

Charles Chee asked about customer's who pay for cell phone services. Thomacita stated they (USAC) are trying to turn everything into broadband. They're urban and don't understand rural area issues. Everything is being done by the Republican party, FDC is Republican.. They (USAC) came up with reduction in packages, they call it net neutrality. Where bigger companies, i.e. A.T.T., Verizon, had bundled services, free messaging, free text, free data; net neutrality wants to take that away so customers will pay for calls, texting and data individually. The Republican Party will be voting on net neutrality this month.

- C. Secretary: Secretary drafted a synopsis of 2017 CLUPC motions/recommendations that she emailed to all CLUPC members. The report was reviewed. CLUPC President contacted Zane James, Chapter President to ask if he took a position on the natural gas proposal, the Dine' College 25 year lease, and to request the manual Dine' College state was provided to him. Mr. James states he never took a position on any project and did not receive a manual from Dean Gamble.
- D. Grazing Committee Member: Charles Chee stated he will give his report as CLUPC proceeds through Old Business. He is experiencing problems with his payroll and asked who he should contact. It was recommended he contact Navajo Nation Payroll.
- E. Staff/Others None

A motion by was made by Margie S Begay and second by Charlotte Begay to accept all reports. The motion passed by a vote of 5 in favor, 0 opposed and 1 abstention.

3. OLD BUSINESS:

4.

- A. Illegally Parked Trailer Issue: CLUPC Secretary requested clarification on whether the resident has an approved homesite lease. Charles Chee stated there are two different homesite leases; Thomas Litson signed one and Louise Mark signed one. He went to the site last Wednesday; the homesite one acre is staked out and fenced in. If it's staked out and fenced in, then it's approved. Trailer homesites are being approved rapidly. A recommendation was made by Marjorie Johnson to write a letter to Mike Halona to request an investigation be conducted to confirm the homesite has been submitted for approval; if not, then enforcement is his responsibility. A motion was made by Margie S. Begay to ensure the letter is written, second by Charlotte Begay. The motion passed by a vote of 5 in favor, 0 opposed and 1 abstention.
- B. Tsaille/Cemetery CPMD Technical Assistance: Lucinda; This issue is awaiting a response from Denise Copeland on the access road and easement. Charles Chee met with Paula to determine Chapter funds earmarked for the Cemetery project, Budget Line Item 25 Infrastructure – Land Improvements/Road Improvements of \$34,000, \$6,500, and \$10,110.80. We cannot disturb the land until it is surveyed and approved. We cannot start building a fence. Margie S. Begay asked if CLUPC has a copy of Denise Copeland's scope of work. Is her contrac/SOW still valid, are we beyond the duration of time? She can say the access work is not included. Marjorie Johnson volunteered to meet with Irma Julian and request her to get the status from Denise Copeland. This issue will be pending until Marjorie Johnson gets more information.
- C. NTUA Natural Gas Proposal: Previous CLUPC directive was to meet with possible parties to the proposed Natural gas project, Dine' College, Lukachukai School, Tsaille Clinic and local residents. Charles Chee stated he met with staff at Dine' College who stated the President has not mentioned the natural gas line project to them. He also spoke to Zane James who stated NTUA contact was only a verbal conversation, it was just mentioned to him. The same with Dine' College lease, there were no documents given to him. Discussion was held on \$12 million cost, safety issues, right of way and personal cost. NTUA stated they would not proceed unless funds are committed by parties. By consensus, CLUPC believes the project is not feasible for the Tsaille/Wheatfield community and will not provide supporting resolution for the natural gas line project. If NTUA wishes to pursue planning, they should work with Dine College and other parties; Tsaille/Wheatfield Chapter will not be a party to the agreement. A motion was made by Margie S. Begay to write letter to Jason Corrale, NTUA representative indicating the above, seconded by Charlotte Begaye. The motion was passed by a vote of 5 in favor, 0 opposed and 1 abstention.
- D. Dine' College 25 Year Land Lease Proposal: Charles Chee refuted comments made by Dean Gamble. Dean Gamble said he came to the Chapter and gave hard copy to Zane. Paula Begay, CSC state no documents were left for Zane. He traveled to Window Rock to ask questions on how the land was surveyed. A map was given to him. BLM markers show feet and degrees. The Dine' College map shows GPS readings. Use of GPS readings

for homesite leases began in 2009-2013. He wanted to know who did the GPS readings. He went to question Alfred James. Alfred James said they traveled to the fences and other areas back in April or May. He didn't know Dean Gamble was taking GPS readings. The final Dine' College map is way outside the boundaries. Resolution back in 1959 is wrong, 1967 is not T/W Chapter resolution; 1969 is T/W Chapter resolution, passed after they went around. The Chapter approved funding for fence posts and Chapter 10 day project to do fencing. Alfred James was working for Dine' College and was paid by the College. Victoria Notah's home, they did the same thing.

Charles Chee went back to the people to ask if their parents gave consent. There are no consents. One person states "yes, a man came to talk to my mother and father. He told them it was only a small area at Haachiltah". That was a farm back then, where the Cultural Center was built. Again, Charlie Benally, a man from Round Rock and the Many Farms delegate went around, no grazing official went with them. They were paid under the table. The donated land belonged to the Keyonnie, To'ahani and Clauschee.

Charles Chee recommended a last community meeting be scheduled with Dean Gamble, Dr. Roessel, Nelson Begay/Board of Regents, HPD and Mike Halona. Bring impacted community members in, they can take marker and show where they want boundary to be. If people support this, take recommendation to the Chapter to approve by resolution. It is noted the College has no lease and the protocol begins with CLUPC.

Marjorie Johnson questioned how the land for Solar Housing and Tsaile Acres housing was approved. Was the College paid for the land? Charles Chee stated Solar Housing and Tsaile Acres was to house students with families; later that changed and the apartments were opened to the public. Marjorie Johnson reminded CLUPC members that Mike Halona stated he would approve Dine' College's survey; he has the authority given by the Resources Committee. Charles Chee stated a hold was placed on the homesite leases/land withdrawals at the Twin Arrows DNR conference. Resources Committee will revisit the policies.

Margie S. Begay reported on a meeting she attended in Aneth, Utah. Mike Halona and Erlene Yazzie did a presentation on Chapter surface areas. Erlene Yazzie was very rude to participants and used Tsaile/ Wheatfields Chapter as an example stating CLUPC didn't want to approve Dine' College's 25 year lease because they didn't like Dine' College staff. Thomacita stated the same thing happened at the DNR Summit.

Charlotte Begay reminded CLUPC directive to walk the fence line. CLUPC should sit down with impacted members prior to the public hearing. Illegal dumping should be documented. It is also noted the fitness trail was completed by Apache County and the Clinic. CLUPC agreed to complete the walking tour today, along with the cemetery site.

A motion was made by Margie S. Begay to host the Public Hearing on December 29, 2017 from 10:00-2:00 p.m., seconded by Thomacita White. The motion passed by a vote of 4 in favor, 0 opposed and 2 abstentions.

5. NEW BUSINESS

- A. Ram Pasture Road Improvement – County Road 8084. The floor was given to Charlotte Begaye to present her comments. She brought the Chinle Chapter support resolution re: 3.5 ram pasture road, request by CLUPC. There are approximately 30 people who live along the district line. Added to that, many children going to Many farms High school, Rough Rock Community School and community use the road as a short cut, including use for many ceremonial purposes. The intent is to gravel and install culverts. She didn't make a full packet due to cost; she has maps, petition, support documents from schools, public safety, and CHR. Pertinent documents have been provided to CLUPC. Environmental clearance is not provided; she shared March 18, 2011 letter signed by Omar Bradley, Regional BIA Director, stating trust land for specific use doesn't require approval of BIA, and does not require environmental action. How can she move the road to a higher priority on the Tsaile/Wheatfields Capital Improvement Plan.

Margie S. Begay asked if the project was included on the TTIP. Charlotte Begaye explained the project is in four phases; 2020, 2.5 starting from Highway 191. There is no guarantee Phase 4 will happen. She is just concerned with 3.5 miles, she knows 8084 is not on priority list. Margie S. Begay requested 401/404 permits for culvert installation. She needs a copy of Chinle Agency TTIP listing.

For CLUPC information, she remembers listing the road on the Tsaile/Wheatfields Chapter CIP priority list as #10. CLUPC needs to get a copy of the CIP list. CLUPC will accept whatever additional documents into the file provided and wait on the resolution until all information is received. She said the road is listed and CLUPC does not need to prioritize it. With due respect, some projects took a long time to get on the list. Charlotte Begay stated some haven't gotten required documents. Charlotte Begay also will request \$50,000 funding from both the Many Farms Chapter and the Tsaile/Wheatfields Chapter. The partnership with Renzi brought in \$480,000. She wants to ensure money is allocated from both Chapters to make it a partnership. She already has gravel assessment. The alternative to culverts is to use concrete blocks. Which one is cost effective? Basically, the intent is to make sure the road is graveled.

Margie S. Begay stated to begin with, this is a BIA road to Many Farms. Any share cost, Tsaile/Wheatfields has only 3.5 miles compared to the other side. When it was presented, it was not a priority request, it was just to initiate it. Charlotte Begay stated the reason for the partnership is for the people who will use the road. Many Farms can't say it belongs with Tsaile/Wheatfields. It's time to bring up some funds. Let's do the concrete system, reduce the cost of culverts and we won't need the drainage studies. It can be compromised. Another thing she didn't bring out is that Apache County District One is willing to bring in limestone from Apache County, willing to provide that if she work with Alton Shepherd. It's too costly to bring in gravel from Bluff. She brought the project up to Nelson Begay, he was sensitive to it. What else can she do, why not just consider concrete alternative. Many Farms is indifferent to outlying areas.

A motion was made by Margie S. Begay to accept documents, cost estimate (September) and Chinle Chapter resolution. She recommends waiting on CLUPC until all documents are provided. She is requesting 401/404 permit. The feasibility study for such will state whatever 401/404 permit is needed.

Charlotte Begay requested to clarify again. CLUPC thinking about it, it does say resolution I'm flexible to do that. We can use concrete slab in those areas, change your resolution on that. If it's recommended that way, ask NDOT to do study. It's only from N64 where the bus goes. So NDOT can do culvert study. As Chapter and grassroot people, BIA don't have personnel. Russell Begay directed NDOT to take responsibility of 638 funds, they're not doing any work like that. It has to be NDOT, Apache County cannot proceed with that, it's not their road. Another forthcoming resolution is the best way to do that. NDOT has money, it is their responsibility. I'd like to have it in the minutes. I'm tired, for me, now just maybe, especially the remote area of our communities, there are problems, like Black Rock. It's for 3.5 miles only. Kathy has rocks, NDOT works on that. It can be concrete block, the nature of that is severe. It's bad, just as bad as Black Rock. I will see Carl Smith to request his help. High time I move forward with my responsibility.

The motion was seconded by Tomi White and passed by a vote of 5 in favor, 0 opposed and 1 abstention.

6. SCHEDULING CLUPC MEETING/WORK SESSION

A motion by Margie S. Begay to host public hearing with CLUPC stipend on December 29th, supported by all required documentation, seconded by Charlotte Begay. The motion was passed by a vote of 5 in favor, 0 opposed and 1 abstention.

A motion was made by Charlotte Begay, seconded by Marjorie Johnson to conduct the walk through today, following the CLUPC meeting, of Dine' College fencing area and the Tsaille/Wheatfields community cemetery. The motion was passed by a vote of 5 in favor, 0 opposed and 1 abstention.

7. REGULAR CLUPC MEETING

A. The next regular CLUPC Meeting will be held January 10 , 2018 at 10:00 a.m.

8. ADJOURNMENT

A motion was made by Margie S. Begay to adjourn the meeting at 2:02 p.m., seconded by Thomacita White. The meeting was adjourned by acclamation.

Submitted electronically by CLUPC Secretary
Marjorie Johnson, MBA