

BLACK MESA REVIEW BOARD REGULAR MEETING
May 4, 2009 – 1:00 PM
Lucille Shirley's residents
Forest Lake, Arizona

Meeting was called to order by Irene Begay, BMRB Chairperson at 1:30 PM.

I. Invocation: Mr. Harry Brown gave the invocation.

II. Preliminaries:

A. Roll Call: Roll call done by Irene Begay. Present were: Harry Brown, Kee Yazzie, Jones Begay, and Irene Begay.

1. Angela Cody not present so Chair appointed Kee Yazzie to take notes for the meeting.

B. Adoption of Last Meeting Notes: Agenda was read by Irene Begay. Harry Begay made motion to accept the agenda as read, Jones Begay second the motion. Chair asked for any questions, there was none. Agenda was accepted with 3-0-0 vote.

C. Reading of Last Meeting Notes: Kee Yazzie stated that the meeting minutes from the last meeting are not available, so the Board should defer reading of the minutes to next meeting. Jones Begay made motion to defer the reading of the last meeting minutes to next meeting. Harry Brown seconded the motion. With no questions the reading of the minutes was deferred to next meeting by vote of 3-0-0.

D. BMRB Action Item Report: At each meeting the Board records action items the Board is to complete. The action item, the person responsible for completing the task and when the action item is due is to be recorded. In this way the Board can keep track of things that need to be completed and to make sure they are completed. Kee Yazzie stated that the note take has the sheet and is not available at this meeting, so the reading of action items should be deferred to the next meeting. Kee Yazzie made motion to defer the reading of action items to the next meeting. Jones Begay seconded the motion. With no questions the reading of the action list was deferred to next meeting with a vote of 3-0-0.

E. Announcements/ Reports:

1. Jones Begay: Black Mesa Chapter Meeting is scheduled on Friday, May 8, 2009. Area 1 Power Line celebration for turning on lights is scheduled on Friday, May 8, 2009 at 10:00 AM, at Forest Lake Chapter. Attended Sector meetings, White House and Sage Brush Sectors. Roads is the number one priority for both sectors. Working on setting up meeting with Navajo DOT. Navajo DOT will take over road maintenance from BIA in July 2009.

2. Irene Begay: Forest Lake Chapter Planning Meeting is scheduled on Thursday, May 7, 2009 at 4:00 PM. Chapter meeting will be on May 21, 2009, at 4:00 PM. The District 4 Grazing Committee meeting will be at BG at 10:00 AM.

3. Kee Yazzie: Meeting with the NN Land Department will be on May 8, 2009 at Land Department Conference Room at Window Rock at 9:00 AM. Meeting with Navajo County concerning the Turquoise Trail will be on May 15, 2009 at Pinon School. More information will be announced as it becomes available. Kayenta Chapter Meeting will be on May 16, 2009 at 1:00 PM. Meetings with AML is ongoing. Kayenta Chapter will be the sponsor of the grant application. The application is due June 27, 2009. Shonto Governance's Grant Writer is putting the application package together with the help of the Board, Navajo County, PWCC and Kayenta Chapter. AML agreed to provide technical assistance has teamed up with PWCC to gather information using GPS equipment to locate all homes on the list. This information will be used in the project assessment and in the AML Grant application. This same information will also be used to submit a package to request for Stimulus Funding. The projects for Stimulus Funding are due this month. Meetings are also ongoing with Navajo County. The County wants to make the Turquoise Trail a top priority project. Described the proposed alignment.

Daniel Peaches commented that the County wants to construct the Turquoise Trail on Navajo Nation lands because of the internal trouble in the Hopi Tribal Government. Mr. Peaches recommended that we construct the Turquoise Trail completely on Navajo Nation land. This will make the project much simpler.

The County also wants to work on getting gravel (Red Dog) and water from PWCC for road repairs and for emergencies to get people out of the mud. The County wants to go to the Nation to see about getting royalty fees for Red Dog waived and the charges for water waived. The County has also requested from the Board to combine the N41 project with the Turquoise Trail project. On May 4, 2009 we met with the consultant surveyor who will begin the land survey work for the Ned Yazzie Community Development project. And the Board met with Kayenta Chapter to discuss the Many Mules Waterline project assessment work.

Daniel Peaches commented that there are two plans for crushing of gravel. Navajo County receives funding to maintain school bus roads. Navajo Nation Gas Taxes are also used for road projects. The other is road maintenance by BIA. They have responsibility to maintain roads. The Navajo Nation Resource Committee will not waive fees for gravel and water. They allow it only in case of emergencies. They want payment for gravel and water. The BIA, Counties, Navajo DOT all agree that the fees should be waived for Red Dog that PWCC makes available, but the Resource Committee will not give in. Only the Navajo Nation Council can change this law. If there is enough push by the Chapters, can they change the law? Since the Resource Committee waives the fee for emergencies, can the Chapters convince the Committee that Black Mesa is in a state of emergency year around? There are other areas that are like Black Mesa, the Chapters from these areas can be encouraged to team up with Black Mesa to change the law. The Chapters need to pass resolutions stated that Black Mesa is in a state of emergency year around.

4. Harry Brown: Shonto Chapter is planning an annual celebration started Friday, May 1, 2009 and will continue to May 10, 2009. The events will include horse racing, song and

dance and many, many more activities. The Shonto Governance will meet on _____.
The Planning Committee will be meeting on_____.

F. BMRB Liaison Report:

1. Waterline project: AML is doing GPS to locate homes. The IHS locations are off and some homes are not on the list. They are doing all phases of the waterline project. Today they are doing Forest Lake and White Grass areas. They are moving quickly. They are making assessment of homes and to determine which homes are ready. The next step is to request funding for bathroom additions and plumbing. About 40 homes need bathroom additions or plumbing.
2. Area 1, "Turn On Lights" will be held at Forest Lake. Ruth Gilmore is doing the planning. There is an agenda out. The event will be from 9:00 AM – 12:00 PM, there will be eating, the Navajo Nation Vice President and other officials will be there.
3. Ned Yazzie Community Development project: We had a kick-off meeting yesterday.
4. Resolutions: Kayenta Chapter is missing resolutions that were passed. We are researching to find out which ones are missing.
5. N41 Road project: There is no report on the funding for the project.
6. Budget Hearings: There will be Budget Hearings from June to August. We have to be there to answer questions. The Budget Hearings usually take much time.
7. Black Mesa Review Board Office: The office is too small for meetings, so we are moving the meetings around to different places.
8. N8034 Update: A meeting will be setup with BIA Division of Transportation. We talked to them and they advised we set up the meeting to discuss the project. The meeting has to be set up during working hours. We are requesting that N8034 be paved. A kick-off meeting has been done for road from N41 to Black Mesa School. Now there is a request to improve the road from N41 to Big Mountain. This road is a school bus road. The request is coming from the school.

G. PWCC Regional Sector Report:

1. Great Springs Sector: Meeting was held at BMRB office on May 2, 2009. They discussed the draft 501(C)(3) bylaws and Articles of incorporation. All the leaders need to come together to work on this project. To the Great Springs Sector, roads is the number one priority. The website is setup and the address is: www.enpowerblackmesa.org. Donations are needed to pay for the website and to keep it updated. There is good information on the website. Karletta Chief explained what is in the website. The Great Springs Sector wants a Historian to be part of the organization. Evalene Claw asked Daniel Peaches if he can be the Historian. The organization is looking for a name. The leaders will work on the 501 (C) (3) organization and they will report back to the sectors. The next meeting is set on June 19, 2009 at the BMRB office at 10:00 AM.
 - a. Leroy Thomas, also reported on the Great Springs meeting. He said he was elected vice president. He stated he can help with the 501 (C) (3) organization. His recommendation is: Draft resolutions and have them

passed by Chapters. He asked if any resolutions have been passed. How did the BMRB and the Sectors come about? Will the Sectors be established on their own?

- b. Kee Yazzie: A draft resolution has been completed. The Chapters can use this as a template to draft their own Chapter resolutions. The BMRB was established by the Chairman of the Navajo Nation and by Navajo Nation Council. Much later in 2005 the Speaker of the Navajo Nation initiated a land use study for PWCC Lease Area. From this study the Sectors came about. The leaders from the Sectors will form a focus group who will work on establishing the 501 (C) (3) origination.
 - c. Jones Begay: There is a study by JJ Claus that developed the sectors. From this study the organization will be established. Training was setup but, cost too much. Tommy Yazzie and Karletta Chief said they can do the training. May 2, 2009 was the first meeting to start the organization. Articles of Incorporation, Bylaws and Plan of Operation will be drafted. A website is also being set up. Grazing management will be included in the organization.
 - d. Evalena Claw: Gave out copies of meeting reports. Leaders will continue to work on the papers for the organization.
 - e. Leroy Thomas: Asked the question, who has the authority to establish this organization. By what authority do we establish this organization?
 - f. Evalena Claw: The leaders are working on these questions in leader meetings. The hold package including the Bylaws, Articles of Incorporation, etc will be addressed by the leaders. We need to have a land use plan and we need to establish a boundary for the plan and organization. TCDC approves land use plans, we need to get organized and get all necessary approvals.
2. White House Sector: Anita Yazzie made the report for White House. The White House Sector meeting was held on April 25, 2009 at Teresa Little's residents. Jones Begay and Evalena Claw from BMRB attended the meeting. Not many people are attending the meetings. The young people are not coming to the meetings, only the elderly and sheep herders are coming. The White House Sector rated roads as the number one priority. The people want an improved road that follows the old BIA road alignment. They want to meet with Navajo DOT and to have them come out to the road location for field review and they want maps made. The number two priority is power lines. Power lines have been extended to most families, but still need more power line extensions. The next generation will also want power lines to their homes. The number three priority is communication towers. The people need to identify the locations. The people also want to provide a place for a weather tower. The number four priority is water. The people want

septic tanks, bathroom additions and plumbing for many of the homes. Maxine Kescoli' place was selected for business development and for construction of a meeting place. Funds are needed for these developments.

- a. Jones Begay: We asked Navajo DOT to come out and meet with us. Navajo DOT wants a map to locate the road project. Within the White House area it will be hard to establish a business due to low population. To build a clinic will require support from the other sectors. To get roads constructed all the sectors need to support each other. The people want roads constructed where they use to be before the mine started. As part of the road construction we want cattle passes, fencing, etc. The White House Sector will draft a mission statement at the next meeting. The next meeting was not set.
3. White Grass Sector: Ben Crank made the report for White Grass Sector. There is no change from the last meeting. Walter Begay has not come to our meeting. We are still working on the location for road from N41 to White Grass and on to White House. Atta Mae Yazzie gave consent to construct the road from HRC to Conveyor Belt. Other places are restricted by mining this also goes for development.
4. Sage Brush Sector: Jones Begay made the report for Sage Brush Sector. The number one priority for Sage Brush Sector is roads. The group wants a map of the area so they can use for planning. The number two priority is community development. The people want to build a car wash, septic tank service establishment, multipurpose building, emergency assistance office, Navajo County Sheriff Deputy office, tire service, towing service, locksmith shop, safe ride and livestock feed store. Next meeting is scheduled on May 15, 2009 at 4:00 PM at Lucille Shirley's residents.

III New Business

- A. NYCD BMRB 05 05 09 A Resolution: BMRB Resolution requesting to reaffirm resolution passed by Kayenta Chapter which approved 5 AC of land for access road to the 111 AC of land for community development.**

Motion by Harry Brown 2nd by Jones Begay
Motion passed with 3-0-0 vote.

- B. AML BMRB 05 05 09 B Resolution: BMRB Resolution supporting AML Grant Application approval for Many Mules Waterline project to fund bathroom additions and plumbing.**

Motion by Harry Brown 2nd by Jones Begay
Motion passed with 3-0-0 vote.

C. N41/ Turquoise Trail BMRB 05 05 09 C Resolution: BMRB Resolution supporting Navajo County to make construction of N41/ Turquoise Trail top priority for construction.

Motion by Kee Yazzie

2nd by Harry Brown

Questions/ Comments:

Harry Brown: What does Hopi say since the project cuts across Hopi reservation?

Daniel Peaches: Navajo County said they will not participate if the project is within the Hopi Reservation because of the Hopi Government turmoil. The road needs to be constructed entirely on Navajo Nation. There still some disagreements to be worked out. Forest Lake wants the road to come to them, and then there are others who don't want this.

Anita Yazzie: We should try constructing the road within the Hopi Reservation. The Hopi have interest in the road project and are willing to put money in to it.

Milton Lake: The Hopi came to Forest Lake Chapter to talk about the Turquoise Trail. It was on the agenda at the Forest Lake Chapter meeting. There were many questions and disagreements, so no decisions were made.

Harry Brown: The original Turquoise Trail alignment purposed in 1970's was established by the Hopi to make the road the Navajo/ Hopi boundary line.

Daniel Peaches: The Hopi Government is in a bad situation, we don't want to deal with them. The Low Mountain Road has federal funding and the Hopi caused the funds to be taken back.

Motion passed with 3-0-0 vote.

D. Red Dog Waiver BMRB 05 05 09 D Resolution: BMRB Resolution supporting Navajo County to take legislation to Navajo Nation Council requesting the Navajo Nation to waiver royalty fees for gravel and waiver charges for water for repairs of dirt roads.

Kee Yazzie made motion and included a motion to change the word improve to repair within the resolution.

2nd by Jones Begay

Questions/ comments:

Jones Begay: The Resource Committee will not approve this request. Only the Resource Committee can change the law. We need Chapter resolutions requesting to change the law.

Anita Yazzie: We need a meeting with PWCC, the mining has taken grazing areas, so there are no more grazing areas. We are losing livestock. We need to prepare a resolution for next meeting. The purpose statement for the BMRB is not strong, we need to say impacted not affected. PWCC needs to tell the residents where the gravel pits will be. Materials for road improvements are very expensive and all the gravel has to come from off Navajo Nation.

Leroy Thomas: Membership of the Board need to direct council delegates to work on gravel and water.

Motion passed with vote of 3-0-0.

- E. NTUA BMRB 05 05 09 E Resolution: BMRB Resolution requesting NTUA to take over maintenance of the Many Mules Waterline project upon completion of construction.**

Motion by Harry Brown 2nd by Kee Yazzie

Questions/ comments:

Harry Brown: We need support from all Chapters.

Motion passed with 3-0-0 vote.

- F. PWCC Letter request for ROW: BMRB letter written to PWCC requesting approval for right-of-way for Many Mules Waterline project.**

Motion by Harry Brown 2nd by Kee Yazzie

Questions/ comments:

Letter is written to Scott Williams.

Motion passed with 3-0-0 vote.

IV. Old Business

V. Public Comments

1. Lillie Johnson: The Board passed a resolution requesting PWCC to repair fencing cut by PWCC employees for erosion work. Has PWCC responded to

this resolution? PWCC has not responded to many resolutions? Were the Resolutions forwarded?

Kee Yazzie: The Board has been talking to PWCC about this. We have set up ongoing meetings with PWCC and the Navajo Land Department to address the issues with fencing, livestock trespassing, wild horses and other claimed land issues.

2. Ben Crank: In the N14 area fence is being cut. When the work is completed the fence is not being repaired. PWCC say they will give you materials to fix the fence yourself, what they give is old stuff.
3. Lillie Johnson: Tell PWCC not to place fence over bolders, it does not work. Where fence cross the wash the flood waters take out the fence. PWCC needs to come up with other solution for fencing across washes.
4. Simon Crank: The crew working on NTUA Power Line project took fence down and did not repair the fence. It's been down for some time now. We still need water, ponds repaired and windmills.

Evalena Claw: Walter Begay is aware of what NTUA did and he has told NTUA to fix the fence.

5. Anita Yazzie: In our area PWCC also takes down fence and not repair it. We also have dust problem, dust from the mining. What can be done about it? The gravel that PWCC provides is too big. Can they crush to smaller size?
6. Evalena Claw: J28 Windmill repair work is ongoing. The equipment PWCC has to repair roads and make the gravel have small equipment. They also use the same equipment to repair earth dams. We have made many requests but nothing is completed. When reporting it will help to write it down on paper the date, time, place and taking pictures is very helpful.
7. Ben Crank: Why is there signs posted saying, "picture taking not allowed"? So, how do we document reports? The dust problem is also mostly at night time. Air quality testing needs to be done in June and at night. The problem is also with coal burning. The smoke and the smell from burning coal get very bad at times.
8. Atta Mae Yazzie: Fencing is always down somewhere. We report the fencing to Greg Jones. He responds but it takes some time for them to repair fence. We need a gate where the old coal loading road crosses the road. This is about half mile east from HRC. Horses are getting into the reclaimed areas there. The gate needs to be a steel frame gate. Fence is down at HRC to Windmill road. Trucks carrying rocks to the wash and topsoil stockpile there. This is where the fence is destroyed. PWCC should repair the fence. I showed Greg

Jones where the fence to down. Also at Coal Mine Wash and Gravel pit area, there are erosion control berms that are a problem. By the old well the land is not reclaimed, the land here needs to be reclaimed. The water pond there is also a problem. The sides are too steep so when the cattle get in here they can't get back out. The holes need to be filled back in. Concerning the Board meetings, the meeting minutes, resolutions and any other reading need to be read in Navajo also. Concerning the road from HRC to Conveyor Belt, I don't approve the road following the old road that goes through the old Air Port. I agree with the road following the existing haul road. I am being left out from the Great Springs meetings and we are not all coming together to discuss the road alignment. People steal stuff.

9. Anita Yazzie: Concerning the earth dams, because of the drought the earth dams are drying out with some mud at the bottom. Cattle are getting stuck in the mud. We notice this in the Sand Springs and Sage Brush areas. We also need a building to meet in. the BMRB office is too small.

VI. Next Meeting:

1. Kee Yazzie: We should move next meeting to July due to lack funding. This will allow the Board members to attend special scheduled meetings.

Motion by Harry Brown 2nd by Kee Yazzie

Motion passed with vote of 3-0-0. Next meeting will be July 7, 2009.

Meeting was adjourned at 3:45 PM.