

21ST NAVAJO NATION COUNCIL

**FISCAL YEAR 09
3RD QUARTERLY REPORT
APRIL – JUNE**

**PREPARED BY BMRB LIAISON
EVALENA CLAW**

Purpose of the Board:

2 N.N.C. §901-910

§ 902. Purpose and Authority

The purpose of the Board shall be to advocate for fair and just compensation for Navajo families within the five Navajo Nation chapters whose socio-economic and environmental interests are adversely affected or impacted by coal mining and related operations of Peabody Western Coal Company, as authorized and provided for by the company's two coal mining leases with the Navajo Nation, Lease No. 14-20-0603-9910 and Lease No. 14-20-0603-8580, as "PWCC" and said term includes any of PWCC's employees, officers, contractors, subcontractors, agents, designees, successors, heirs, or assigns. The Board may also make appropriate recommendations to the President of the Navajo Nation, the Navajo Nation Council, the Resources Committee of the Navajo Nation Council, or to PWCC, concerning the health, social welfare, education, and environment of the Navajo People affected by any of PWCC's mining and post mining or related operations.

BMRB Vision Statement

It is the vision of the Black Mesa Review Board to restore the natural order and harmony, for the Diné People residing in the Peabody Western Coal Company (PWCC) Leased Area and who are adversely impact by the coal mining operations.

BMRB Mission Statement

It is the mission of Black Mesa Review Board to advocate for the best interest of the local families within the leased area of Peabody Western Coal Company (PWCC) and to utilize the available resources to enhance the quality of life and restore harmony and balance for the people and the land.

Black Mesa Review Board

Irene Begaye - Chair Harry Brown Sr. – Vice Chair Angela Cody – Secretary David Shondee Member Jones Begay Member
Kee T Yazzie Member
Jonathan Hale Member



July 8, 2009

Honorable Speaker Morgan
PO Box 3390
Window Rock, AZ 86515

Dear Honorable Speaker:

On behalf of the board I would like to report the Boards accomplishments for the third quarter. Foremost the main line of the utility power line has finally been completed for 27 residents of Dinebeto Wash (Forest Lake Chapter). After 20 years when the project was initiated in 1989 it has become a reality and brings hope for other residents living in the rural area of Chilchinbeto and Forest Lake.

Secondly the Board, strengthen collaborative efforts to address ongoing issues such as grazing, roads and developing partnerships to bring those issue to the forefront. This past quarter the Board has met with Navajo Nation programs to address those concerns by working in conjunction with PWCC to develop action plans.

Unfortunately at the end of this quarter the Board ran out of funding due to loss of carry over in estimated amount of \$10,000 at the beginning of this fiscal year.

Resulting in shortage for the Board's financial support, to attend meetings, work sessions, and project involvement in BMRB activities.

Respectfully,

A handwritten signature in black ink that reads "Evalena Claw". The signature is written in a cursive, flowing style.

Evalena Claw
BMRB Liaison

Officers:	Title	Chapters	Agency
Irene Begaye	Chair	Forest Lake	Chinle
Harry Brown Sr.	Vice Chair	Shonto	Western
Angela Cody	Secretary	Office of the President	

Members:

Jones Begay		Forest Lake	Chinle
David Shondee		Chilchinbeto	Western
Kee T Yazzie		Kayenta	Western
Jonathan Hale		Office of the Speaker	

Board Staff: Evalena Claw, Community Liaison

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Accomplishments:

Area One (Power line) – this 20 + year project was completed and finalized. The residents of Dinebeto Wash and Forest Lake constituents were able to get electric services.

AML Proposal - Submitted AML funding proposal for Many Mules Water line project regarding bathroom additions, power, and plumbing facilities. AML funding request will be used to initiate the pre construction requirements. This funding proposal will be the template for future proposal to request for additional funding for waterline system.

Grazing, Fencing, & Trespassing Issues – Initiate meeting with NN Agriculture, PWCC, NN Land Dept, BIA Natural Resources, and BMRB to address concerns regarding land management, livestock rotation, livestock associations, fencing, reclamation, and customary land use. Develop action plan to address concerns.

3rd QTR 09'

BMRB Meeting Dates	Location	Type
April 7, 2009 9 am 1 pm	BMRB office Simon Cranks Residence	Work session Regular
May 5, 2009 9 am 1 pm	BMRB Office Lucille Shirley Residence	Work Session Regular
June 12, 200 10 am	BMRB Office	Regular

I. BMRB Projects

A) INFRASTRUCTURES:

1) NED YAZZIE COMMUNITY DEVELOPMENT PROJECT:

The Board met with the consultant surveyor for a project kick-off meeting on April 20, 2009. The surveyors will be completing land survey for the development for land withdrawal. The land is being withdrawn for service providers to use. The people want the following services: Nursing Home, Senior Citizen Center, Ambulance Service, Fire House, Police Substation, Ranger's Office, Church, Conference Center, Head Start School, Farming Land, Reserve Land and spaces for business development, to be constructed at this location. Kayenta Chapter ear marked \$2000.00 to complete the survey work. The contract amount is \$2600.00. The Board is looking for \$600.00 to pay the survey consultant. Archeological Survey and Environmental Clearances are still needed to complete the package for submittal to the Navajo Nation Natural Resource office to start the land withdrawal process.

2) MANY MULES WATERLINE PROJECT:

This project has gone before the Navajo Nation Council (NNC) several times and each time the project has been tabled. The legislation is requesting \$5.2 million for phase I, of the waterline project from the NNC to fund the construction of waterline on Black Mesa within the PWCC leasehold area, for residents who have been adversely affected by coal mining operations. If the Navajo Nation provides the funds for Phase I of the project it will make it more feasible for Indian Health Services - Office of Environmental Health and Engineering to fund the next three phases of the project. The residents of the PWCC leasehold area have given up their land for coal mining and in return they requested running water to their homes. Yet after 40 years (+/-) since the original agreement they still do not have running water to their homes. The people want running water in return for the coal royalty moneys, jobs and many other benefits the Navajo Nation receives from the mining operation at Black Mesa.

The BMRB and the affected Chapters, (Kayenta, Shonto and Forest Lake) have come together to submit an AML Grant application for bathroom additions, plumbing and power connections for 200 homes to get homes project ready for the Many Mules Waterline project. The Kayenta Chapter has earmarked \$20,000.00 to fund bathroom additions, this money can be used as matching funds for the AML Grant application. Kayenta Chapter will be sponsoring the AML application. Shonto Chapter is contributing to the AML application by providing a Grant Writer to write the application. The Chapters are completing project assessments for their Chapter areas. This information will be an attachment to the application. The AML Grant application was submitted on June 30, 2009. The Chapters, PWCC and BMRB have met and worked as a team to put the package together for the application. The data assessment was not completed and the next deadline to complete assessment is projected to be at the end of July .

3) The Black Mesa Pipeline (BMPI) Facilities:

Is in the hands of the Navajo Nation to decide what to do with the Facilities. The Nation and PWCC are negotiating behind closed doors. It is possible that the Many Mules Waterline project and BMPI Facilities are tied together in the negotiations between the Nation and PWCC.

4) Scatter line Power line Project:

Kayenta NTUA office did a field site visit to pre survey the feasibility study for a scatter line project within and surrounding the PWCC leasehold area. Compiling listing of residents that have not gotten electric services and to be construction ready for proposed Many Mules waterline project. Proposed areas of scatter line service near cactus valley, near towers by western mesa top, and east of J 28 to branch off from Dinebeto Wash. As well as those that do not have any services within the lease area that are not living on future mining sites.

B) ROADS:

1) N41, TURQUOISE TRAIL:

The Board submitted an application to Navajo Department of Transportation requesting funds from the Navajo Nation Road Funds Management Plan for N41 for a Feasibility Study. The Ad-hoc committee has completed review of the proposals and now is waiting decision by TCDC. The proposed N41 project begins at the junction of US 160 and N41 and extends east up Black Mesa to the Western Navajo Agency boundary line.

The Board has ongoing meetings with Navajo County to address N41. The County is interested in connecting an all weather road from Forest Lake to Black Mesa Mine. The County has determined this project to be a high priority project. The County wants to work on completing the Turquoise Trail which starts at Second Mesa and extends north to US 160. There are sections of the Turquoise Trail that go into the Hopi Reservation. These sections have issues and agreements that need to be worked out between the Hopi and the Navajo Nation. The Turquoise Trail is also a top priority for Hopi and the Hopi Tribe have received funding for planning and design of a one mile section where Turquoise Trail crosses Moenkopi Wash. The County wants to combine the BMRB project, Jct US 160 – WNA Boundary and Forest Lake - Black Mesa Mine projects into one project for Feasibility Study.

The County is also interested in developing a Partnership with the Navajo Nation, PWCC and Apache County to repair dirt roads on Black Mesa. Navajo County requests contribution from the Navajo Nation by waiving the royalty fees for gravel (Red Dog) and the charges for water road repairs. PWCC is in agreement with providing gravel at no charge to the County. Navajo County wants to workout an agreement with Apache County to use their crusher to reduce the size of rock from PWCC to ¾" size for road repair and plating of dirt roads. The County is gather support from the Chapters for this project.

2) Black Mesa Regional Road Planning:

Board part of BM Regional task road planning, this committee was developed after the emergency from snow melting in rural Black Mesa. This committee works on addressing road condition, how to maintain those roads and procedures to severe road conditions in this regional area. Met in May to identify dirt roads to be improved and where are these road based on the funding requirements.

3) NDOT Road Inventory:

Sector requested to have roads inventory and develop road system within the PWCC area. Met with NDOT to request their assistance to address road concerns. Did Chinle agency road inventory but still needs further research to identify passable road ways. Awaiting to do Western agency next quarter.

C) SECTORS:

BLACK MESA - KAYENTA MINES LEASEHOLD AREA, LAND USE AND COMMUNITY DEVELOPMENT PLAN:

According to the Land Use Plan the BMRB has started meetings and organizing the residents in each sector to become planning groups and for the residents within the PWCC leasehold area to develop a 501 (C) (3) non-profit organization. The Sectors are meeting and have elected officers to lead them in developing their own Land Use Plans. The Sectors have organized a Focus Group made up of the leaders from each Sector to apply for and become a non-profit organization. The Focus Group has developed a website for the organization.

A) Sage Brush Spring Meeting Dates

April 6, 2009	5:30 pm		Lucille Shirley Residence
April 25, 2009	10 am	"	"
May 30th, 2009	10 am	"	"

B) White House Meeting Dates:

April 16, 2009	5 pm	Maxine Kescoli
June 19, 2009	5 pm	Maxine Kescoli

C) Yellow Water Meeting Dates:

June 6, 2009	10 am	BMRB Office
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D) Great Spring Meeting Dates

May 2, 2009	10 am	BMRB Office
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E) White Grass Meeting Dates:

April 16, 2009	10 am	Rose Yazzie Residence
April 30, 2009	10 am	Simon Crank Residence

F) Sand Spring Meeting Dates:

No meeting dates

II. COLLABORATIVE PARTNERSHIPS:

A) Addressing Grazing, Trespassing, and Fencing Issues w/in PWCC Leasehold area

***NN LAND Dept
NN Dept of Agriculture
BIA Western Natural Resource
PWCC***

The Board has ongoing meetings with the Navajo Land Department, PWCC, Navajo Department of Agriculture and the BIA Natural Resource Office. The meetings were initiated to resolve issues having to do with fencing, wild horses, trespassing, grazing on reclaimed lands, escrow payments, treatment NPL/ HPL grazing permits, and other issues. The meetings are going well and proceeding with developing grazing management plans and setting up training for residents. The goal is to maintain reclaimed lands and improve livestock for marketing and not allow reclaimed lands to be over grazed and destroyed. The grazing management plans will resolve most of the ongoing issues having to do with livestock.

B) NN Water Resource Dept

The BMRB, Navajo Nation Water Resources, and the Board have formed a Conditional Partnership to share information, services and resources to work on the Many Mules Waterline project. This Partnership is necessary to complete the waterline project and allow the project to keep moving

C) NN Land Dept

Providing technical assistance, research, gps, field work and site visits.

D) PWCC

Collaborative efforts to address local issues, gps, mapping, technical assistance, field research, and site visits.

E) BIA Western Agency – Natural Resource

Provide seminar, educating on natural resources, land base, land management, and addressing grazing issues.

F) Chapters

- **Forest Lake:** Data assessment, research, two way communication, supporting Board efforts by resolutions, letter, and addressing local issues on behalf of their constituents. Participation and attending meetings, work sessions to provide chapter input.
- **Shonto:** Providing technical support, data assessment, and participation to address local issues by attending meetings, work sessions, and communicating their chapter input.
- **Kayenta:** Data assessment, supporting BMRB activities by resolutions and letter of support.
- **Black Mesa:** **No participation**
- **Chilchinbeto:** **No participation**

G) Navajo County: Addressing and identify road concerns. Meeting to address road improvement.

H) Navajo Dept of Transportation (NDOT):

Road inventory and addressing road concerns, collaborative efforts to work with the community to address concerns, and identify future public road system.

I) Western AML: *Providing technical assistance to do GPS for Many Mules Water line project.*

J) OEHE Many Farms Office: *Making recommendation and providing technical assistance regarding Many Mules Water Line data. Collaborative efforts to maintain communication regarding project.*

K) NN Dept of Agriculture: *Address PWCC concerns regarding overgrazing, land management, livestock association, and developing Land Use plan for community members who have an interest to maintain their livestock. Provide technical assistance by doing presentation, educating community on livestock and land management.*

III. BMRB MEMBER ACTIVITY

A) Kee T Yazzie

Kayenta Chapter's Representative

April – June Participation

1. BMRB Regular Meetings:

DATE	LOCATION	TIME
April 7, 2009	BMRB office	1:00 PM
May 5, 2009	BMRB office	1:00 PM
June 12, 2009	BMRB office	1:00 PM

2. OTHER MEETINGS:

DATE	LOCATION	TIME	TYPE MEETING
April 6, 2009	Kayenta Chapter	10:00 AM	Chapter planning
May 4, 2009	Kayenta Chapter	9:00 AM	Meeting w/ Chapter
May 4, 2009	BMRB office	1:00 PM	NYCD proj Kick-off
May 4, 2009	BMRB office	3:00 PM	MMW proj meeting
May 8, 2009	Window Rock	9:00 AM	Meeting w/ NN Land
May 16, 2009	Kayenta Chapter	10:00 AM	Chapter meeting
June 6, 2009	BMRB office	10:00 AM	Yellow Water Sector
June 19, 2009	PWCC office	10:00 AM	Meeting w/ NN Land
June 22, 2009	Window Rock	10:00 AM	MMW proj meeting
June 26, 2009	Window Rock	10:00 AM	MMW proj meeting

B) Jones Begay

Black Mesa Chapter's Representative

For April, May, and June planning and chapter meeting gave report to community members. I attended White House and Sage Brush Sector meetings for April and May. June attended the White Grass sector meeting.

In May met with James Betinnie of the Chinle agency NDOT to discuss sector road concerns.

June met with Jonah Begay to set up road inventory tour. Walter Begay Jr. conducted tour for NDOT to survey present road conditions.

Attended Forest Lake Chapter meeting and facilitated light up ceremony for Area one in May.

C) Harry Brown Sr. Shonto Chapter's Representative

April, attended regular meeting, involved in discussion in work session from 10 – 12 noon. Discussed writing up resolutions or letter of support to NTUA for Many mules waterline project. Needed to amend kayenta chapters resolutions, funding deadline date, update on 501 c 3 status, and giving a deadline date for organization to set deadline date to apply with IRS. In afternoon met at Simon Cranks residence, discussion on N41/Turquoise trail road development.

May 5th regular meeting and work session. Met at Lucille Shirleys resident of Sage Brush Spring. Resolutions were passed by the Board regarding Ned Yazzie community development, N 41, NTUA, and Red Dog waiver of royalty fees.

June meeting board members made their report for the end of the month. Projects discussed water, road, meeting with the chapters for their community in lease area, and withdrawal of land to be set aside for community development. Chapters support by resolutions for emergency location for site to be developed as a sub station. Public comments made about roads within Lease area. Made report to my chapter on the activities of the Board for the month of April, May and June.

D) Irene Begaye Forest Lake Chapter's Representative

NO REPORT GIVEN

E) David Shondee Chilchinbeto Chapter's Representative

NO REPORT GIVEN

F) Jonathan Hale Office of the Speaker Representative

NO REPORT GIVEN

G) Angela Cody Office of the President's Representative

NO REPORT GIVEN

IV. Concerns and Recommendations:

- 1) BMRB Office is too small for Board meetings and other meetings for the community. Bench seats are not sturdy for the elderly people.
- 2) BMRB projects have no funding. The Board lacks staff to research funding sources and apply for grants, etc. The Chapters lack funding and resources to work on projects and to come up with matching funds. The BMRB does not have authority to sponsor projects.
- 3) Issues between the Nation and PWCC block progress of projects. The Nation does not allow the Board to sit in on negotiations between the Nation and PWCC.
- 4) There are no feed back from NN programs, Chapters and other entities, when recommendations are sent to them from the Board. Resulting in one way communication from the Board, and looking for a better communication process and accountability.
- 5) When recommendations are made regarding PWCC leasehold area, Majority of the time there is a disconnection due to lack of awareness to the land base, issues, concerns, policies and regulations regarding Leasehold area.
- 6) Board lacks authority. Make recommendations at this time
- 7) Lack of funding to accomplish goals and objectives set forth by the Board
- 8) Threat of abolishing the Board and would like a written response to the future of the existence of the Board.