

**21<sup>st</sup> Navajo Nation Council**

**Fiscal Year 10  
2nd quarterly report  
Jan - Mar**

**Prepared by  
EVALENA CLAW  
BMRB LIAISON**

## **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

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



April 8, 2010

Honorable Speaker Morgan  
PO Box 3390  
Window Rock, AZ 86515

Dear Honorable Speaker:

Second quarter has been a busy time for the Board, who has been working in conjunction with Black Mesa United, Inc. This entity became a non profit organization made up of local residents of the impacted area of PWCC Leasehold area. The Board plans to have BMU replace them and plans to transit most of their goals and objectives, services to ensure that the community is left with services uninterrupted, and to give a voice and unify the community in advocating for self reliance.

All activities of the Board has been continuous toward the community's goals and objectives in addressing concerns. By providing presentations, workshops, and educational training in Land Management, Land Use planning, and Project updates.

Respectfully,

A handwritten signature in cursive script that reads "Evalena Claw". The signature is written in black ink and is positioned above a horizontal line.

Evalena Claw  
BMRB Liaison

<b>Officers:</b>	<b>Title</b>	<b>Chapters</b>	<b>Agency</b>
Jonathan Hale	Chair	Office of the Speaker	
Irene Begaye	Vice Chair	Forest Lake	Chinle
Kee T Yazzie	Secretary	Kayenta	Tuba City

**Members:**

Jones Begay		Black Mesa	Chinle
David Shondee		Chilchinbeto	Tuba City
Harry Brown Sr.,		Shonto	Tuba City

**Board Staff:** Evalena Claw, Community Liaison

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## 1 st QTR 10'

### **BMRB Meeting Dates**

February 2, 2010  
10 am till 3 pm

### **Location**

Forest Lake Chapter

### **Type**

Quarterly Meeting

## **I. BMRB Projects**

<b>PROJECT NAME</b>	<b>LOCATION</b>	<b>CHAPTER</b>	<b>P Mgr</b>	<b>STATUS</b>	<b>COMMENTS</b>
Scatter Powerline Extension	PWCC leasehold	Kayenta	<b>Sectors</b>	On Going	Have Feasibility Studies completed for participant list
PWCC Grazing Land Issues	Lease Area	KC, FL & Shonto		On Going	Meet Quarterly to address Trespassing, land mgmt Presentations, & grazing Issues
Ned Yazzie Community Development	Great Spring & Yellow Water	Kayenta	K T Yazzie		Paperwork in progress For a official land withdrawal Reworking the road access For site
Phase One: Many Mules Project	N 41 Jct - Sand Springs	Kayenta, Shonto, & Forest Lake	CHID	On Going	Gathering paperwork for application for I.H.S & HSL Identify Bathroom additions
Dzilijjin Bee' ahota' (Black Mesa United)	PWCC Lease Area	Kay, Shonto, & FL	BMU Inc	Ongoing	Working on film Grant to document BM history, creating board manual
Implementation of Land Use Plan	PWCC Lease Area	Kay, Shonto, & FL	Sectors	On Going	Each sector to develop local specific Land Use Plan. Presenters to educate and give awareness to RMU & other project planning
Yellow Water Sector		Kayenta	K T Yazzie	Ongoing meetings	Has representation on BMU Developing Land use plan
Great Springs Sector		Kayenta	K T Yazzie	Ongoing meetings	Has representation on BMU Developing Land Use plan
White Grass Sector		Kayenta	Rose Yazzie	Ongoing meetings	Road planning in sector
Sandsprings Sector		Forest Lake		Sporadic	Meeting and planning Needs Further planning discussions

White House Sector		Forest Lake	Anita Yazzie	Ongoing meetings	Develop Land Mgmt plan, road development, and Land restoration projects
Sage Brush Spring (Owl Springs) Sector		Forest Lake	Loretta Jones	Ongoing meetings	Proposed Land withdraw for Emergency Sub Station
N41 Road Project	US 160 - WNA Bdry Line	Kayenta Forest Lake	KTYazzie	On Going	Restart meetings to discuss right of way for MM project
Quarterly Reports			Board members	Quarterly	All Board Members provide monthly accomplishments
Newsletter			KChief	BMU	<a href="http://www.empowerblackmesa.org">www.empowerblackmesa.org</a>
WEBSITE Maintenance			K Chief	On Going	Still collecting annual website donation.
Cell Towers			Sectors	Needs to be initiated	Identifying locations for towers for land withdrawal (5 ac). Kayenta Chapter passed supporting resolution. Needs to be part of Land Use plan from Sectors
Regional Road Meetings			Jones Begay		Road inventory done but needs to be updated. Reevaluate road access for sectors. Sectors to discuss public roads to put on NDOT road system
N 8034	Dinebeto Wash - Black Mesa Chapter	Forest Lake	Jones Begay	On Going	work with Chinle Agency BIA to address concern
Bond Release	Leasehold Area	All	BMRB BMU	On Going	Collaborate with OSM, PWCC to address concerns
Transition Plan	Leasehold Area	All	BMRB BMU	Current	Transition of projects to BMU Inc. Integrate services to BMU and program operations

## **II. On Going COLLABORATIVE PARTNERSHIPS:**

***Board involved with various entities to address the concerns, needs and interest of impacted community to address:***

***A) 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 on going 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 become arid. 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. Collaborative efforts to address Many Mules Waterline projects and various alternatives to start up Phase One and continuing to find cost sharing funds. The program will seek extra funding for Many Mules waterline project.

***C) NN Land Dept***

Ongoing collaborative effort to address, issues and concerns of community, per land in PWCC leasehold area. Currently meeting to address grazing, trespassing, escrow, research and land disputes within PWCC leasehold area. 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***

- a. 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.
- b. Shonto:*** Providing technical support, data assessment, and participation to address local issues by attending meetings, work sessions, and communicating their chapter input.
- c. Kayenta:*** Data assessment, supporting BMRB activities by resolutions and letter of support.
- d. Black Mesa:           No participation***
- e. Chilchinbeto:       No participation***

***G) Navajo County:*** Partnering to address and support Red Dog Gravel efforts for future maintenance of dirt road for public travel safer. Addressing and identify road concerns. Meeting to address road improvement. Interest in Waterline project as well, possible partnership for future projects. Assist in N 41 project with technical support.

### ***H) Navajo Dept of Transportation (NDOT):***

Address Road inventory request, road concerns, collaborative efforts to work with the community to address concerns, and identify future public road system. Ongoing meetings to reassess road concerns.

***I) Western AML:*** Providing technical assistance to do GPS for Many Mules Water line project. Awarded BMRB to start the preconstruction for Many Mules Waterline project. Partnering to monitor funding allocation of Many Mules Waterline 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.

**L) Navajo Partitioned Land (NPL):** Ongoing collaborative efforts to address concerns of community that reside within the impacted area of Joint Use Area. Has worked on some referral regarding windmills for livestock and currently in process to maintenance a windmill within Leasehold area.

**M) Navajo Nation Water Rights Commission:** Technical assistance to MMPTT for guidance and recommendation to MM waterline project.

### III. BMRB MEMBER ACTIVITY

**A) Kee T Yazzie**

***Kayenta Chapter's Representative***

**Jan - Mar:**

<b>Type of Meeting</b>	<b>Date</b>	<b>Time</b>	<b>Place</b>
Many Mules Water (AML) Mting	Jan 12, 2010	9:00 AM	Kayenta Chapter
Great Springs Sector Meeting residents	Feb 20, 2010	9:00 AM	Lillie Chief
Yellow Water Sector Meeting residents	Feb 20, 2010	9:00 AM	Lillie Chief
Focus Group Meeting	Feb 21, 2010	1:00 PM	BMRB Office
Black Mesa United Teleconference	Feb 27, 2010	9:00 AM	
Meeting with CDBG (Grant Appli.)	Mar 3, 2010	10:00 AM	CDBG Office
Yellow Water Sector Meeting	Mar 6, 2010	5:00 PM	Annie Herrera's
Yellow Water Sector Meeting	Mar 20, 2010	9:00 AM	BMRB Office
Great Springs Sector Meeting	Mar 20, 2010	9:00 AM	BMRB Office
BMU Board of Directors Meeting	Mar 21, 2010	1:00 PM	BMRB Office
BMU Teleconference	Mar 30, 2010	6:00 PM	
Teleconference with BMRB Liaison	Mar 31, 2010	10:00 AM	

**NO REPORT SUBMITTED**

**B) Jones Begay**

***Black Mesa Chapter's Representative***

**C) Harry Brown Sr.**

***Shonto Chapter's Representative***

<b>D) Irene Begaye</b>	<b>Forest Lake Chapter's Representative</b>
<b>E) David Shondee</b>	<b>Chilchinbeto Chapter's Representative</b>
<b>F) Jonathan Hale</b>	<b>Office of the Speaker Representative</b>
<b>G) Vacant</b>	<b>Office of the President's Representative</b>

#### **IV. Concerns and Recommendations:**

##### **A) Bring running water to all residents:**

At this time none have running water. Currently the Board is working on Many Mules Waterline Project. The Board was awarded AML grant in the amount of \$300,000.00. The funds will be used to construct bathroom additions, install plumbing and connect electrical services to homes. The work will help residents to get their homes project ready for the Many Mules Waterline project and help the waterline project to move to a higher priority.

##### **B) Bring electric power to all residents:**

Power line projects were completed for area 1, 10, 11, and 13. Power has been extended to 48 residents. The Board has initiated the scattered power line project for residents who were missed and for those living in remote areas.

##### **C) Construct and pave all Public Roads:**

**1. Upgrade N41 to current design standards:** Submitted the Navajo Nation Road Fund Management Plan requesting funds to complete a feasibility study for N41 from US 160 – Western Navajo Agency Boundary Line.

**2. Road Inventory:** Started road inventory with Navajo DOT, Chinle and Western Navajo Agencies: Plan is to produce maps and GIS all permanent roads.

**3. Pave N41 from Forest Lake to Black Mesa Mine:** Working with White Grass Sector to bring together land users who can agree on a pave road alignment.

**4. Partnership with Navajo County:** Joined Navajo County in a partnership to complete paving of Turquoise Trail. Started meetings with Navajo County and affected chapters to initiate construction of the Turquoise Trail from the Hopi Reservation to Black Mesa Mine. This will complete a paved road from SR 264 to US 160.

**D) Partnership between entities for road maintenance and for emergency preparedness:**

The partnership is to help make Road Maintenance easier and bring all entities together to work together. To be prepared for future weather emergencies. The partnership was established between Navajo County, Apache County, Chapters and PWCC to acquire gravel and water from PWCC for dirt road repairs. Navajo County is working on legislation to get approval from Navajo Nation to have the Natural Resource Office and Natural Resources Committee to waive royalty fees for gravel and fees for water.

**E) Bring Communication services to Black Mesa:**

Complete or bring communication services to Black Mesa including telephone services, cell phone towers, and internet services. The Board initiated the project and is currently encouraging residents to identify land for land withdrawal.

**F) Improve Land for grazing, the lands return to Navajo Nation:**

The plans are in motion to:

**1) Develop Grazing Management Plans for lands under PWCC jurisdiction that are ready for grazing by working with PWCC.**

**2) Develop Grazing Management plans for lands returned to Navajo Nation through partnership with PWCC, Navajo Nation Land Department, and BIA Natural Resource Program.**

**G) Establish Partnership with PWCC.**

This partnership was initiated to address concerns of residents, trespassing, fence repair, wild horses, escrow payments, grazing permits, and grazing management plans. Currently meetings are ongoing and plans are being to be developed.

**H) Creating Land Use Plan.**

The BMRB has implemented the, "Black Mesa - Kayenta Mines, Land Use and Community Development Plan". The Board has begun organizing residents to organize themselves and to establish a non-profit organization. The Board established a focus group made up of leaders from each sector to begin the process of establishing a 503(c)(3) non-profit organization. The non-profit organization has named themselves Black Mesa United, Inc. This group still needs to finalize board manual before fully being transitioned to BMRB's projects and operations.

**D) Ensure fair and just escrow payment.**

The Board will be drafting a resolution to request an increase in escrow payments.

**J)** Address concerns and comments from residents heard at regular board meetings.

The Board is doing much better in addressing public concerns. The Partnerships that have been established with other entities are a direct result to address the concerns of the public.

**K)** Bring needed services to Black Mesa:

These services are services such as, Ranger's Office, police sub station, ambulance service, head start school, senior citizen center, nursing home, and other services. The Board is currently working on the Ned Yazzie Community Development project that will set aside land for community development for service providers to develop.