



THE NAVAJO NATION

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TOHATCHI COMMUNITY LAND USE PLANNING COMMITTEE

Post Office Box 287 Tohatchi, New Mexico 87325 Tel: (505) 733-2845/2846

Elvis Bitsilly
President

Larry Rodgers
Vice-President

Delphine Bitsilly
Recorder

Fern Spencer
Member

Byron Bitsoie, Sr.
Member

TOHATCHI COMMUNITY LAND USE PLAN COMMITTEE MEETING MINUTES April 16, 2024

- I. Call to Order: Time: 9:18 am
- II. Roll Call: Elvis Bitsilly, Fern Spencer, Delphine Bitsilly, Larry Rodgers
- III. Invocation: Fern Spencer
- IV. Introduction of Guests: Geneva Begay, Maria Allison, Ceceila Bitsilly Begay, Manuel Shirleson, Lillian Barney, Ansley Curley
- V. Approval of Agenda: reading by Delphine Bitsilly
 - Motion to amend Agenda: Fern Spencer 2nd: Delphine Bitsilly Vote: 2-0-1
 - Old Business: move A. to C. and move C. to A.
 - New Business: Other – add Ceceila Bitsilly Begay
- VI. Approval of Minutes: March 19, 2024
- VII. Old Business:
 - A. Tohatchi Chapter projects update report- President Moore, Maria Allison CSC.

Elvis Bitsilly – give us a brief update on current project for the chapter, one is status on Tohatchi Community Cemetery, what's the status from Navajo Nation, the steps and process that has been taken, if we need to assist the Chapter we can assist; **Maria Allison** – community cemetery, back in August 2022 we started requesting an extension to the current cemetery here at Tohatchi, we wanted to request 1.5 acres, started with a memo from the Grazing Official, he met with Bertha Desteia and Ceceila Yazzie, they did approve and sign the paper work for the extension since the two hold the grazing permit, we got the cultural resource compliance done, the archaeologist done by Julia Chavez, we did site visits, paper work and resolution done in July 2022 for the expansion, submitted to General Land Department, they were all the required forms, submitted them to Malachi Scott, a month later he emailed back and told me he needed documents for current cemetery, a letter was sent back to the Grazing Official who was Edison Jones at the time and requested a copy of the land withdrawal of the current cemetery and resolution, they didn't receive any documents from him to this day, Janice and I looked back in the files back to 2011, didn't find anything pertaining to the current cemetery, Sonny did say there was one, we went through resolutions and didn't find anything, I did ask Byron if there are documents with Land Department, the only thing he sent me was a map of the cemetery coordinates, that's all they had, I went back to Malachi and gave him a copy of this map with the coordinates, he emailed me back and said this has to be put into a resolution, in August 2023 that was changed, all this information was put on to this resolution, this resolution was submitted back to Malachi again with all documents as stated above, I've been following up with him every two weeks, what other

documents do you need from the chapter that needs to be sent to you, he stated they will look it over and get with Land Department, Byron Bitsoie, I started getting in touch with Bryon, and he will give an update to me and he's not here today, once approve and through the ARPA funds, see if we can get funding for the fencing, so we can purchase the fence there, due to the rising cost of materials of other projects, I don't think it will happen, a lot the money is for bathroom additions, our funding for the fencing might come back down and look for other options, see if we can put in ICIP this coming year, work on an updated price quote and will be looking for funding for the fencing, currently at the cemetery there's only room on the east side when you drive in, have about 50 spaces then we're full, families want to lay their loved one near their family member, it's hard for us to do because our operator hit a gravesite, we don't want that to happen; **Fern Spencer** – how many more people can we bury there, is there a map of who is buried where; **Maria Allison** – when Loretta was here, the only thing she had was who is all buried there, it's not mapped out at cemetery; **Fern Spencer** – cremation, is there a place for those urns?; **Maria Allison** – no, we've never done anything like that, we have done 3, they dig 2-3 feet on a grave and put the urn on top of the family member grave, Mexican Springs have their own, regular cemetery on one side and they have a little corner for cremation, Sonny and I are saying when we get this approved, we can have a small area for this; **Elvis Bitsilly** – the materials for the fencing cost is \$50,000?; **Maria Allison** – it's more, \$87,000 and it's for the mesh wiring, Jean or Mike recommended why don't we buy railroad ties for the corners, then the rest will be regular fencing, bob wire fencing to bring the cost down; **Elvis Bitsilly** – it is expensive and costly, that's what we have down at Red Willow, we don't want to lose that money or put it somewhere else, amend that change, can you do that?, and keep that money, make the change on the materials and buy something different; **Maria Allison** – we do need additional funds for other projects, we might have to do that and that's why it was recommended to buy cheaper materials; **Elvis Bitsilly** – what are we looking at, additional acres; **Maria Allison** – 1.5; **Elvis Bitsilly** – the chain link fence we installed at Red Willow for less than 3 acres, was \$40,000 and that was for everything, we installed ourselves; **Geneva Begay** – the fencing, are you talking about extending the fence on one side?, the lateral side?, you're keeping the horizontal side?, you're extending it out and keeping that portion and moving it; **Maria Allison** – the extension were doing is 1, 2, 3, and open the wooden part in the middle, remove that and add the addition to it, once this done, we're going to open this side for a gate, they want us to redo the main entrance to the cemetery; **Elvis Bitsilly** – bike trail status; **Maria Allison** – Sonny and I have been calling the Attorney General's office, we talked to Roderick Begay and gave assignment to another attorney, this attorney we've been leaving messages, emailing her, Sonny made a visit to the office and she still hasn't got back to us, she did review our paperwork that was submitted, Roderick Begay did reach out to her, told her she need to call us and give us an update, she hasn't called us back, we let Mr. Begay know there's no communication from her to give us update on the trail; **Fern Spencer** – what is going on with that?; **Maria Allison** – there's a cost share of \$7500, Sonny wants to make sure all documents are in the packet and DOJ to say okay since we do have the funds which will be coming out of the chapter funding; **Fern Spencer** – how did Thoreau get this done, I thought we are working with GMCS; **Maria Allison** – waiting for a yes, we are still under our audit and don't want to spend our \$7500 then they say how come you didn't get DOJ's approval?, that's why we have to send them in that way; **Elvis Bitsilly** – the matching money at

chapter is from the Unhealthy Food Tax; **Fern Spencer** – audit status?; **Maria Allison** – our audit, everything is good, the only thing we're waiting on is our ASC office to show up and do an unannounced visit, go through our files, we're waiting for the ASC accountant and figure out what happened to the misuse of money from the 4 people who received a new house, where did that money go and where is the documentation, they haven't been found, we don't know what happened to the receipts and how the gift cards came about, there are 4 gift cards they were using, no documentation on those gift cards, the SPS main boss, Patricia and her accountant, Echohawk, they need to come in and finalized that part, we did meet with them and they took all the paperwork with them, they did look at it and they're supposed to do a memo back to us telling us how much is missing and how it is going to be taken care of, on the administrative side – who was handling it and who was taking care of it?, that's the main one we're waiting on, other findings are corrected and okay; **Larry Rodgers** – a Navajo Nation contract has to be done by a standard contract, a standard put out by DOJ, when the chapter submitted it to Community Development, Community Development's responsibility to setup the contract?, were you able to get a copy of the contract?, was it set in a contract format?; **Maria Allison** – Sonny should have the that, I'll ask him; **Larry Rodgers** – once the contract is setup, it goes through the 164, it takes time, if it hasn't got to that step, why does DOJ still have it?, it has to go through the 164 review, then DOJ looks at it and authorize for approval, President signs off on it; **Elvis Bitsilly** – DOJ is Freeman, Roderick responded and gave to Freeman, LDA and Delegate Notah to follow-up, the two projects have been pending, let's move it forward, I'm surprise there's 50 spots; **Maria Allison** – operator had to remove a tree and remove the trash to have more space; **Fern Spencer** – do you guys specify the spacing, or it depends on the family and they do what they want to do?; **Maria Allison** – they are laying in one direction; **Larry Rodgers** – is there an inventory?; **Maria Allison** – Loretta was writing down the people who were being placed there, their birthdate and date of death, that's what she had records of, where they are actual at, we don't know, it's not mapped out, when we start the new one, we can start doing that, the new ones in the one area since Covid; **Larry Rodgers** – was there ever consideration for a section for Veterans?; **Maria Allison** – I don't think so, it's all mixed; **Larry Rodgers** – some chapters are doing a separate area for our Veterans, it's one thing we should consider as Navajo Nation, at Ft. Wingate the white soldiers that were buried there, they got exhumed and taken to Santa Fe, the old burial place is being vacanted, Navajo Nation should have their National Cemetery there, as well as Ft. Defiance, it's reclaiming our land; **Elvis Bitsilly** – Larry we made changes to the agenda, C. to A. and A. to C. since Sonny isn't here; **Geneva Begay** – cemetery expansion, she mentioned their getting three sections and I don't think it needs three sections, only two sections on how they will extend it, one section will be moved further, look at their cost and getting a gate for the tractor can go through, get with Sonny and Maria to get the cemetery extension going, there was more acreage approved the first time and chopped it down to two acres, another cemetery requested behind the Catholic Church, they were doing a land withdrawal and it went silent, it could be a Veterans cemetery; **Ceceila Bitsilly Begay** – there is a cemetery there right now; **Ansley Curley** – yesterday Council Spring Session started, hearing legislation and all reports done, this past Saturday the Fort Defiance Agency Council meeting was held in Navajo, New Mexico, a couple of things pointed out by DCD, not sure if CLUPC has completed this task, the main thing is the Director for DCD, Mr. Arbin Mitchell, last year Fund 17

was replenished across all chapters, \$3500 was sent and the condition being that each chapter to receive the money and resolution to be passed by the chapter to receive the money in the WINN accounting system, it holds all the money for chapters, each chapter was suppose to complete and produce, create their own emergency management plan for the community and chapter, not sure if that task has been delegated to this committee, is there a emergency management plan for the chapter in place, not sure if CLUCP has worked on this, I'm telling each CLUPC and chapter officials to get this done, sooner rather than later, most of the money has been spent for consumables, water, fuel; **Elvis Bitsilly** – you are talking about the \$35000 for the emergency funds to all chapters, only way for chapters to get the funding was to have a emergency management plan; **Ansley Curley** – yes and no, yes they were supposed to have it but they did receive it in the WINN system without any check that they had a emergency management plan in place, as long as the resolution was submitted, receiving that money from the chapters part to DCD, posted in the WINN system, all five chapters completed that task, the outstanding issue is whether or not the emergency management plans have been discussed, approved by the chapter and been implemented by the chapter; **Elvis Bitsilly** – I think emergency management plan is the emergency management expenditure plan, they should word it that way because the money is used for emergency used, emergency funds for the chapters, the chapter already passed the resolution for that here at Tohatchi, already received the money and maybe Maria should have updated us on that, I've been recommending to the chapter we need an overall community emergency management plan for our chapter, not sure if it's been discussed before, years passed and it may have, we should one and it a long process, I don't think it's in the Community Land Use Plan.

B. Invite NHA, DCD/CHID for Housing Development Project.

Elvis Bitsilly – since we're dealing with professional housing development in our community, I would like to invite NHA to our next CLUPC meeting, at least 50 units that are unoccupied, boarded up at Chuska Housing, there are some individuals living there, we can work with BIE/BIA to utilize the area and do something, within our area there's problem with withdrawing land for housing, withdrawal application is in process with Land Department with Byron or Sonny, DCD/CHID – they do have housing funding available and we may or can get funds, we're looking into resources to get this project going in our community, we're in dire need of housing; **Fern Spencer** – Mr. Tulley was here and this area is a great place to have housing, this was at a chapter meeting he stated this, follow-up with Sonny; **Elvis Bitsilly** – not sure if he is still with NHA, not sure what his responsibilities were, it's been a while that I've dealt with housing with the Navajo Nation, NHA does have money for housing but the land withdrawal is a problem for housing development; **Larry Rodgers** – we do have a local NHA project office, who is the manager and let's invite, we can work with and ask questions, for example: we'd like to take over the Chuska housing, what's your perspective in getting the houses at Chuska, selecting another subdivision and let's find out, Chuska is under BIA, there's a Property Office in Gallup, Regional Office and that's where they look over all their property and I think it's not under BIE and still under BIA, it's a place to start looking at that, we don't have administrative status to follow up on projects and maybe the staff can hire someone to work on these, I can look into this with BIA in Gallup, if they are occupying some units, how are they handling that and what would happen if we came in, if Navajo Nation is to take over the housing, you don't just take over and start using it, it must be abated, asbestos and it all has to be

cleaned out, if the structure is good, all you have to do is renovate it, DCD housing, 1990-97 I worked with Community Development in Window Rock, they had an housing improvement program and maybe it's CHID now, they don't have much money, they do two houses per agency, DCD is not much in to housing and need to look at how to be innovated and do more housing, NHA has more housing, invite local NHA manager to attend our next meeting, is there a demand for housing, how many people on the waiting list, people may have their name on another waiting list in another community to get into a house there, people give up and move on since they have waited too long; **Fern Spencer** – are you supposed to be a member of the chapter?; **Larry Rodgers** – you don't have to belong to a certain chapter, as long as you have a census number and since the money comes from the Federal Funds which they don't discriminate; **Elvis Bitsilly** – get NHA here to give us information, they send you to Window Rock; **Delphine Bitsilly** – NHA came to our CLUPC meeting last year, Dacia Morris who is the Manager, explaining the different housing available in communities, the professional housing at old BIA land tract that was withdrawn, no details on the process of getting the housing, general information was given to us; **Larry Rodgers** – 3 different types of housing – 1. Sub-division, want quality homes; 2. Clustered or POD; 3. Scattered homes, where you have your homesite lease, you must qualify for the home, do they have plans; **Geneva Begay** – when talking with NHA bring Mr. Chiapetti to meeting; **Elvis Bitsilly** – let's invite NHA and see what they can offer us.

C. **5-year Land Withdrawal application status update- President Moore.** Not present.

VIII. **New Business:**

A. **2018 Tohatchi Community Land Use Plan sections assignments by CLUPC members.**

Elvis Bitsilly – Work Session meeting April 2, 2024 to assign sections to the CLUPC members from the 2018 Community Land Use Plan, assignments is to review those sections in the plan, amend plan and continue to review, and have a final Community Land Use Plan; **Delphine Bitsilly** – read the sections assign to us, Larry Rodgers doing sections 1, 3, 6, Elvis doing section 5, Delphine doing section 7, it leaves sections 2 and 4, my section is 7 which is Sites for Development, will make changes according to all the meetings we have had; **Fern Spencer** – section 4, Community Cultural and Context; **Elvis Bitsilly** – section 2 to Byron, Existing Conditions; **Elvis Bitsilly** – this plan was approved for the chapter in 2018, this is our current Community Land Use Plan for Tohatchi Chapter, it took several people involved and consultant, Shynoke Ortiz who did this plan, what we need to do now is to review this plan every 5 years and our plan has expired; **Fern Spencer** – is there a deadline? Mexican Springs hasn't started on this; **Elvis Bitsilly** – I don't think there's a deadline, we can give ourselves a timeline to complete, chapter downsizing the plan and we can as CLUPC downsize the plan with the updates and changes; **Larry Rodgers** – deadline can be done by September or fiscal year, recommended by President Sonny Moore, unnecessary information was in the 2018 plan, the handout was read – Basic Contents of a Land Use Plan, my recommendation is to setup this plan based on this outline, explained his sections 1, 3, 6, I'm already working on my sections, downloaded census 2020, downloaded the 2022 American Community survey which is available for Tohatchi, now I can write it up, what it means to our community, I'm setting up the report format in this order, the part you're assign to do, we'll find a way to put them in to these based on the outline, some things we don't need, prior to September we need 3 Work Sessions to work together and use Word to transfer documentation to the Community Land Use Plan, reading email from Sonny Moore with agenda topics, CLUPC will do this project ourselves, need to GPS the additional areas we need to identify and my brother, Jasper can help, I want this on record to get my brother's help, Jasper, the old Boarding area to be used as housing, apartment complex and

buildings like an educational or health center, the maps will be used for the plan we are working on, I need your support, the mapping needs to be good quality, we need to talk about the roads up to Chuska campus, make a new road up to the Chuska campus, for emergency purposes you're not supposed to have one road that leads into one area and not have a way to get out when there's an emergency, there's a lot of land for development and housing, serving this year only and get this plan completed by September; **Elvis Bitsilly** – on website – Division Community Development – Chapter Land Use Plans, this is an old Tohatchi Chapter Land Use Plan; **Larry Rodgers** – every other month we should have a Work Session without pay.

B. Tohatchi Chapter Commercial Development Feasibility Study Book handout.

Elvis Bitsilly – Study Book handout from Leonard Francisco, Jr. given to Fern Spencer, Byron Bitsoie, Sr. who is not present.

C. SWCD- Southwest Conservation District- Mike Begay. Not Present.

D. Red Willow Farm Board

Geneva Begay - Miss Hillmeyer, Tohatchi HS students would like to plant, April 25th, farmers will start planting in May, gate is open at Red Willow, in 2018 there's a resolution requesting \$50,000 to the water project for maintenance and operation for utility cost, we need assistance with the utilities, the fence is up, eradication and tamarack project at Chuska Lake, in the canal and lake is filling up with water, the Eradication team is looking for a contractor and they will not touch the area where the plants are in water, looking at a dry lake; **Delphine Bitsilly** – seen Senator Shannon Pinto and Navajo Nation Council Session yesterday tell Elvis Bitsilly he needs to email her regarding Red Willow, Tohatchi High School requesting a presentation and she's not familiar with Red Willow and it should be Elvis to give the presentation; **Geneva Begay** – Hoop Houses, conservation plan with Ivan Joe, 20 farmers to get a Hoop House at Red Willow with a 24,000 gallon tank.

E. Other – Ceceila Bitsilly Begay

Ceceila Bitsilly Begay – thank you for letting me have the floor, I live south side of Tohatchi, grandparents, dad, uncles were raised there, 1986 I moved there and live there now, my mom and dad lived there behind me, my parents gave my sister, Shirely Smith the house, I would like to extend my homesite lease behind my house and do it legally, I found out in Window Rock that my sister who lives in Arizona put her name on the homesite, I was given the power of attorney for my dad, my sister from Arizona had my dad sign the homesite lease, I don't think the homesite lease should be valid because I had the power of attorney to sign the documents for him, he didn't have that right, when he gave me that right he didn't have the right to sign it, she hasn't been to the house, I asked her to relinquish it and giving me a hard time, she wants to assign it to somebody else, I was told if you don't have a home within 2 years then it's considered abandon, I asked Gerald Moore to work on it and since August he hasn't done anything, two weeks ago he called and said I can't do anything, you're going to have to go to Realty, my two sisters who live there who don't have homesite leases, maybe my sister can sign the lease over to me, Shirley Smith doesn't want anything to do with the house; **Elvis Bitsilly** – we can recommend or advise families, Navajo Nation deals with grazing permits and homesite leases are a problem, any recommendations from CLUPC to give guidance, have a family meeting to settle this issue, invite family to discuss this issue without going to court, has CLUPC encountered an issue like this? And maybe this is a learning process; **Geneva Begay** – she is correct on the policy, they can look at land using Google Earth to see if there's any development on homesite, Family court – Peacemaking, your corral or outhouse

can be outside of the homesite lease but your septic tank is part of the homesite lease; **Larry Rodgers** – it's a complicated family matter, CLUPC doesn't have any jurisdiction on homesite leases, and it isn't written in our plan, you can't extend your homesite lease, the Land Department is the one to resolve this issue, Chapter can recommend a resolution, Peacemaking Court is in Crownpoint, you're already locked into a homesite lease; **Ceceila Bitsilly Begay** – you can extend your homesite lease and was told by Mike Halona; **Larry Rodgers** – Byron works in the Land Department; **Ceceila Bitsilly Begay** – I already talked to him and he told me to go downstairs to the homesite lease office, I talked to Delegate Notah and he told me to come the monthly homesite meetings;

Larry Rodgers – a request to get my brother to work on the GPS for CLUPC work, I would like your support, if the chair would like for me to draft a memo for you to the President and it will be in writing to ascertain his support that he did with the GPS for more mapping for commercial areas, the maps that will be produce will go in to the Land Use Plan, if the Chapter can compensate him in any way for that; **Fern Spencer** – I agree for his brother to get paid and it's for the chapter, to get compensated; **Larry Rodgers** - \$30.00 an hour, I know Jasper's quality of work, Work Sessions tentative dates June 11 and August 13, 2024; **Elvis Bitsilly** – yes I do support and Larry will draft up a memo; **Delphine Bitsilly** – I support the memo.

Motion to approve reports: Larry Rodgers 2nd: Fern Spencer Vote: 3-0-1

- IX. Resolutions: None
- X. Announcements: None
- XI. Next Meeting Date & Time: Tuesday, May 21, 2024 @ 9am Tohatchi Chapter
- XII. Adjournment/ Time: 11:55 am

Recorder: Delphine Bitsilly



