

# THE NAVAJO NATION

# TOHATCHI COMMUNITY LAND USE PLANNING COMMITTEE

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

Elvis Bitsilly President

Pernell Halona Vice-President

Delphine Bitsilly Recorder

Fern Spencer Member Priscilla Duncan Member

MAY 27 FH 1149

#### **AGENDA**

Tuesday May 20, 2025 @ 9am-12n Tohatchi Chapter

١.	Call to Order: Time:Roll Call: Invocation:							
H.	Introduction of Guests:							
III.	Approval of Agenda:							
IV.	V. Approval of Minutes: Tuesday April 15, 2025							
V.	Old Business:							
	A. Bike Trail project update.							
	B. N108 bridge replacement project.							
	C. Cemetery expansion update/status.							
	D. Public Safety Sub-station update.							
	E. Professional housing project update at old BIA site.							
VI.	New Business:							
	A. Plan of Operation 2025 – Review (Division of Community Development template).							
VII.	. Resolutions: none							
VIII.	Announcements:							
IX.	Next Meeting: Tuesday, June 17, 2025 @9am-12n Tohatchi Chapter							
X.	Adjournment							



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# TOHATCHI COMMUNITY LAND USE PLANNING COMMITTEE MEETING MINUTES MAY 20, 2025

I.	Call to Order: Time:	9:12 am_	Roll Call:	5	Invocation:	Pernell Halona	
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- II. Introduction of Guests: Lee Rodgers, Sonny Moore
- III. Approval of Agenda:

Motion to accept Agenda: Fern Spencer 2<sup>nd</sup>: Priscilla Duncan Vote: 4-0-1

IV. Approval of Minutes: Tuesday April 15, 2025

Motion to accept minutes and read on your own:

Motion: Pernell Halona 2<sup>nd</sup>: Priscilla Duncan Vote: 4-0-1

V. Old Business:

A. Bike Trail project update.

Elvis Bitsilly — updates on projects and we know what is happening, the bike trail is in final phase and is in DOJ hands, the information, letters, resolutions and documents pertaining to the bike trail has been accepted in the final stage, Maria submitted the last documents that was needed and taken care of, DOJ will be responding to her and we will move forward on that with the chapter and accepting this project, the final steps will be the chapter, DOJ and Bike Trail will sit down to cover the terms of this contract, the project is completed, thank you for everyone being a part of it, a bike event was held at Hamburger Hill over the weekend, and it went well; Maria Allison — submit the contract to DOJ on the website and it was assigned to Colleen Silversmith, the attorney I've been working with and she's in the process of reviewing it, if everything is correct on the contract she will take it to President for his signature, when I get documents back and meet with the Bike Trail, once it is signed I can issue them the check.

B. N108 bridge replacement project.

Elvis Bitsilly — we had a teleconference meeting last week with BIA, it's in BIA hands and NNDOT, me, Maria and others were in attendance, project ongoing for many years, they notified us and gave status update, sent an outline of where the project is and what areas they completed, the archeological and biological clearances, the assessments, the surveys, the right of way, approval through the local grazing official and a letter from him, we go through the Navajo Nation 164 process and was completed, waiting on another thing from the package to be cleared and approved, contact person from NNDOT is Daryl Bradley and Derrick Myer from BIA, they coordinated this project and other individuals, former Delegate Halona was a part of the project, not sure if former officials were in contact with this project, this is a fully funded project and they have money for it, it will change the community routes and traffic, they do have the construction details, the little Veterans picnic area will be affected and meet with the Veterans, Veterans would like help to cut trees in the area; Pernell Halona — the one tree by the bridge should be cut down,

who will do that work and is that in the plan, it will be a two lane bridge; Elvis Bitsilly – they will consider all that, talk with them at a planning meeting; Fern Spencer – who is the head person; Elvis Bitsilly - NNDOT and BIA in charge, Wilson & Company is the contractor from Albuquerque.

C. Cemetery expansion update/status.

Elvis Bitsilly - this is regarding the new 1.5 acres allocated for this expansion, chapter installed new fencing for expanded cemetery, talked with staff and others involved with this project, old cemetery is full and no longer taking any burials, the cemetery policy hasn't been established for proper arrangement of how we are going to deal with the new expanded area, Maria is working with Rollie and the other mortuary, she is setting up a meeting with them to help her in how to arrange cemetery in proper form so we won't have this overlapping, we had a small issue with a grazing permittee for that area, the person said we're using too much of the area that was given for this expanded site and you're over your boundary that was approved and that individual is Cecelia Yazzie, she said you're going over some area she didn't allow, I talked to Gerald, former President Sonny Moore, Delegate Notah and I went to the site a couple weeks ago to see the area and what was done there recently, we looked over the area as well as the drainage, the runoff from the mountain side, what we saw was efficient and adequate enough to hold water off for the runoff and what the equipment operator did according to what the chapter assigned him to do, he did a good job, another area is the traffic flow to the new area site, how much of the area will be allowed to use, Gerald to talk with the permittee about this issue and follow up, burial cemetery policy from the Navajo Nation and we don't know if it's been official approved, outside the community cemetery such as family plots and there's a process for that; Fern Spencer - 1. what about the other chapters, did they follow up on what they are planning to do, I know Twin Lakes and Coyote Canyon doesn't have one, Mexican Springs has a private plot with the Bitsie's and a community one, Mexican Springs at one time said they will have their own, those people come here or go to Gallup and pay if they are not a chapter person, 2. Ceceila lives on the back area by the mountain and has their private plot, she is saying her land, you have homesite leases and other stuff you go through if you want land, how much extension does she have, that hogan that is back there, is that hers too, who is that; Pernell Halona – her brother; Lee Rodgers – her brother and sister, they all live in the same area; Fern Spencer - you want to put your love ones in a good place, behind Twin Lakes school, north side of the hill, there was a cemetery there and no longer is being used, this is for the community of Tohatchi, as a Cross Country coach we ran and stayed away from that area, it frustrates me when we can't put our loved ones where we want them to be, I thought it is one acre; Elvis Bitsilly - picture on screen, expansion of the cemetery and this is the area she is complaining about, how are we going to drive to get up to this area, she said we disturbed and we did disturbed to get the grader and tractor there, there was already a road and we added to it, drainage you see here and it was flatten and covered, it's been detoured this way, a barrier here and another barrier over here that goes down in to this wash; Fern Spencer - the one on the top is the northside or eastside; Elvis Bitsilly - northeast side at the base of the mountain; Lee Rodgers it's a matter of technically, in the first place the chapter should have considered a fairway where people will be driving in to get access to the cemetery up there, I think why she's complaining is us Navajos, we want to go where we want to go, people are just driving all over the place up there and that's what she's complaining about, we - you guys didn't ask for this part of the land to be driving all over it, in the first place when it was being planned, talked about or discussed and before the resolution was made, consideration should have been given to the fairway, how are we going to access the plot up there, how much driving space do we need, where are the people going to park, things should have been taken in to consideration and allowed on the northside, the fuss is about people driving wherever to park, we need to go back and discuss with them and we see the

problem here and the people need to park, they too, will see the need for parking and take back to them and allow us some space on the side to park, a strip need to be along the right side, level the ground nicely and people will see the road, negotiate with the family, make a road alongside the cemetery; Fern Spencer - the person who herds sheep back there, can't think of his name; Pernell Halona – she's the only one who has sheep there, nobody else has sheep in the area; Priscilla Duncan - Cecelia is the only one who has sheep; Lee Rodgers - what about her sister; Pernell Halona - my aunt, Winifred Muskett brings her sheep around here, service for the community, she already knows we're going to have traffic coming in there, how are we going to get our people in there if she blocks off the road, you guys take our land and we don't get any recognition for giving land for the school, road needs to be done and it belongs to the community, put in a road and parking lot; Lee Rodgers – bring family in to discuss the issue, we need decent parking for people who will be using it, we need it right away; Pernell Halona – we need to decide now, a road right along the fence to the back with a small parking, do we want them to drive inside, they will park on the outside; Lee Rodgers - I don't think so; Delphine Bitsilly - why can't we put the road on the opposite side; Lee Rodgers - see that ditch coming down there's no way passing that ditch; Elvis Bitsilly – there is no space and there's a ditch, tractor put the road alongside the fence, a road to go inside the cemetery for the Mortuary vehicle, cemetery parking lot needs to be improved, the lower parking lot needs improvement - leveled out, the drainage in eastside corner has problems with runoff when we get rain, this is an old trail road that goes east; Sonny Moore - this area is a pretty wide road, Cecelia said we gave you this area but we didn't allow this area, Grazing officer was there, if we bring the road closer to the fence and maybe she'll allow that, right along the fence, there's a path for people who want to walk here, Grazing officer said on that day if you guys decide how to approach this, I'm willing to meet with Cecelia, it's hard to tell the people to park, let Grazing Officer talk to the permittee and that would be my recommendation; Pernell Halona - you picked the road right in there, as it rains the water will come down that road, need to have some push off wash off where the water will be pushed off the road, otherwise it will be running down to the bottom there; Elvis Bitsilly - there's always been a problem with that parking area; Pernell Halona – it was leveled out at one time; Lee Rodgers – all the asphalt we're trying to get and cover the road with it, it will help with erosion and make it look nice, signage for handicapped parking by the gate entrance, people who are mourning have more respect; Fern Spencer – working on a policy; Elvis Bitsilly - Maria working on the policy, talking to Rollie, also talking to Mexican Springs Coordinator and Naschitti, they have a policy for their burial sites, working with Christine Sam at Mexican Springs, Rollie involved for the layout they recommend and how we want it setup, orderly fashion plus record keeping, nobody wants to deal with the burial cemetery stuff, we will deal with the parking, in our policy are we going to allow other chapters to bury in our cemetery, we have to consider these things - will there be a fee, do we do the equipment, do we waive this and that, must include specifics in the policy, will the public be notified of this – yes, will it come to CLUPC – yes, we are talking time, we are here to help and work with the land issue, work with the administration and give her our support; Lee Rodgers – to clarify Mr. Moore, the Grazing Official will talk to the people that are complaining, the community needs a road as close to the fence as possible and the parking space up there so people won't drive all over the place; Sonny Moore discussion with the Grazing Officer, don't be afraid to call him and get him to come to the meeting; Priscilla Duncan – which is most critical and do a plan of action, meet with the Grazing Official and the family, when is the proposed date to meet with the family no later than, Gerald needs to understand it's very important to schedule a meeting with the family, policy is very important and help where it is needed, Mike Halona stated there isn't no family burial anymore, there was a resolution and a policy in place; Pernell Halona – current family burial sites are okay but no new

family burial sites are permitted, must submit who will be the caretaker, must submit information on the family plots, you can't it's against the law, for a private cemetery you have to fill out the paperwork and get certified for it; Fern Spencer – who takes care of the community cemetery; Pernell Halona – the chapter house; Elvis Bitsilly – we can contract out, our PEP workers are very reluctant to work there, I don't think we need students there, discuss with administration for fees to cemetery cleanup, fees to cover the cost for getting a contractor once a month, equipment fees we charge, go to a specific funding for that and can be a recurring cost; Pernell Halona – according to Mike the chapters are not to charge people for that which is in the policy, we been charging people burial cost and we can't do that; Lee Rodgers - non registered who are charged for the equipment; Fern Spencer - right now anyone who passes away do they go to Gallup since they can't be here even though they are a member of this chapter; Elvis Bitsilly - Rollie and other mortuaries will tell them Tohatchi is full, Rollie will call Tohatchi and verify this, fees and charges the chapter has the discretion to put that in place, non-residents are charged for equipment use and no fees for the burial site, the only charge is the equipment use and we don't charge residents and are waived, usage of this chapter building ties in to the reception, that's another issue with cleaning and family using the building, there's a deposit fee now of \$75.00 for everyone who uses the chapter for cleaning, we need to abide by the policy; Fern Spencer – I appreciate our chapter for helping the people with usage of the chapter facilities; Elvis Bitsilly - current family plots must get clearance from Land Department and no new family plots are allowed, it's a Navajo Nation policy, now the cemetery is full people will start a new family plot, will they allow people from Tohatchi buried in their community cemetery, what is their policy to bury individuals in their cemetery from other areas; Pernell Halona – 4-5 gravesites along the road to Coyote Canyon and it's a flood zone, a small fence around it, the problem is Coyote Canyon and Mexican Springs didn't want any of the families near the cemetery location, everyone said no, decided to put it at that location which is a flood zone, it's by the water tank that is coming through; Sonny Moore meetings with other chapters, each chapter has it's own policy, working on one at Coyote Canyon, Twin Lakes isn't working on it fast enough, all our policy should be uniformed, maybe there shouldn't be any charges for anybody to bury their loved one or charges for everyone to cover the equipment cost at a reasonable cost \$60.00-\$70.00, there will be revenue coming in to the O1 fund for diesel fuel, repairs and maintenance on the backhoe, registered vs. non-registered, each chapter has their own policy, three chapters working on their Land Use recertification, why don't we hire a technical person, where is this money coming from and will go out to bid, how much will they charge us with three chapters, I know this chapter is doing as much as they can on the Land Use recertification, Mexican Springs can do the same thing, Twin Lakes working on their Land Use recertification, Fund 10 - hire a consultant and this chapter has about \$2-3000.00, cemetery cleanup at Naschitti work with the ROTC for cleanup, O1 funds has professional fees - work for \$75.00 a day, people who do community service from Gallup and pay them.

### D. Public Safety Sub-station update.

Elvis Bitsilly — we are having meetings with Loren Miller, he gave us an update on the Public Safety Building, they have a plan and design which we requested, detail specifics come to the meeting; Fern Spencer — meeting May 27; Elvis Bitsilly — land is responsible for that whole process, money coming from whoever we can access resources for that project, Navajo Nation I don't think has money to match that, Corrections department need to get money to match the funds we are getting for that project, LDA Mr. Moore and Delegate Notah they need to research money for this project, we will continue each year to apply for capital outlay, there was a TIFF funding which was applied for from Dr. Greyeyes and needs to be followed up on, once the Land finishes the planning

and design, squared away and done, there has to be money to start the building, whoever is hired for the construction; **Lee Rodgers** – May 27 at 9:30 am.

E. Professional housing project update at old BIA site.

Elvis Bitsilly - project by the clinic, still pending per clearances through Land Department and hasn't given us an okay, which is the final piece of the application we have, I talked to and emailed Byron and haven't heard from him, Mike Halona is aware of this and LDA Moore talked with him as well, need it to be cleared and approved, getting documents reviewed, planning will need to take place and utilize the area, the land and infrastructure is there, potential housing for Tohatchi and BIA Chuska housing can be utilized with ties to the federal regulation and policy, those homes are just there and why can't they give it back to the chapter, other areas in Tohatchi we can utilize for housing, grazing permittees approval and homesite leases we need to consider; Fern Spencer when we were at the chapter meeting the other day, the guy giving his report - Casey, he talked about the closure of our clinic, why are they alerting people about this, individuals in the BIA moving around to different offices, realistic we need this clinic here, tomorrow at chapter meeting can you ask, the housing with land corporation and have the fire hydrates ever been looked at in Tohatchi, my sister and I will find out where all the fire hydrates are and see if there's access, back in the day the community use to have fire drills, a former kid is the fire chief up there with last name of Jim, they have fire hydrates in their area and are they workable, do they have water in them, we should as CLUPC look in to it, what housing is available in the area, need communication with our Navajo Housing people here and people asking me how many vacant houses there are in the different areas, Twin Lakes has four and haven't be renovated, Sheep Springs and Naschitti, I don't know you should ask your people who are in CLUPC, I know here in Tohatchi there are some but are they livable, can we move people in to them; Elvis Bitsilly - we brought NHA here to talk about the housing and getting the building renovated, they are located in a house in the back area, we can invite her back - Miss Wilson, IHS clinic will not close and it was misinformation; Lee Rodgers – infrastructure is there but the sewer lines are bad, pipes could have lead, water system will need to be upgraded, they are telling Agnes Barney her waterline needs to be updated and she doesn't have the money to pay for it, telling her the waterline is lead piping, that could come to us when we starting planning for the professional housing to upgrade the water line system; Elvis Bitsilly – new housing development by Window Rock post office was from a Block Grant fund from NHA, they have money and we can look into that, departments don't let chapters know and we have to research, have apartment complex instead of a house, more reasonable for people to pay; Sonny Moore - higher project is the professional housing, invite developers to present here, invite Sonny Franklin, CEO of operation at NHA and find out about housing in Tohatchi, Byron gave us names of some developers and invite them here, the land withdrawal will happen, they are restructuring at the Land Department, the General Land Department was under somebody else, it's now under Byron and he has a lot more say so, the General Land Department was asking for more information and schedule a meeting with Melik Scott and Byron, things they were asking for weren't not on the application, we need to get this done and we do have land, I've written emails to the district manager at NTUA, I've asked for a report – when was the last time you maintenance these fire hydrates, they are to pressure test them, NTUA when a hydrate fails, what they do is there is a valve in front of the fire hydrate, shut it off and never go back to make the repair, you have to replace the whole unit, they won't tell anyone until there's a fire and the valve doesn't work; Elvis Bitsilly - I asked the Chuska firefighters a couple years ago, where do you get your water, only pressured fire hydrate is behind the clinic, 135 hydrates in this area, this chapter doesn't have an adequate line to tap into, the schools I'm not sure how they are setup, they are

included in the count and under one system, the complex needs water and is the line workable, the hydrate is shut off due to potential damage.

#### VI. New Business:

A. Plan of Operation 2025 - Review (Division of Community Development template). Elvis Bitsilly - we're behind on the renewal of our plan of operation, 2024 we haven't renew yet, do we do this yearly, do we do it annually, October 1, 2023 to September 30, 2024, we don't have 2024 to 2025, Navajo Nation DCD sent us a approved DOJ plan of operation for CLUPC; Lee Rodgers - should this be done annually, the chapter, CLUPC do themselves and say we do this every five years, or can the chapter say it can be every five year, is it flexible to follow; Elvis Bitsilly – this template was submitted last year in the fall, Maria got this from Department of Justice - Roderick Begaye, this template can be utilized for all chapters, I sent to CLUPC members through email, do edits and amendments, it's my position I'm carrying as Chapter President and CLUPC President; Fern Spencer - when did you send this, I don't have anything; Elvis Bitsilly - this was in conversation from years before, how CLUPC handled this portion, it's a first time policy we are looking at and utilize here at Tohatchi, are we going to edit, amend and allow this, and put in our current plan of operation, reading the DOJ plan of operation, their template said \$75.00 and I changed it to \$125.00, can a chapter employee be a CLUPC member and it's in the new CLUPC template for its members, what the chapter utilize and it's up to the chapter to implement this in their plan of operation, our plan of operation doesn't have this information that I'm showing you in red, do we as CLUPC input this to cover the future for us, all of us, if we should ever be in my position right now, I'm serving two jobs, it was already brought to our attention from a community member who submitted her interest, it was stated then it was a conflict, actually it isn't – it's not; Fern Spencer - one more time, others chapters are doing the same thing, when I first got on CLUPC, I was appointed by the President at that time, I gave my resignation and I was appointed again by the President, he's been doing a good job, yes he's our President, our information goes with the information we get from the chapter, she was part of this way back when, keep going and continue, if you go I'm going; Elvis Bitsilly - that's what I want to hear from you committee members, you guys take your stand on this, this is approved by DOJ and we can use this to back us up, there's no conflict; Pernell Halona - the only conflict there will be is you to see if there's a conflict, step back or what policy is in place, that's why you have a Vice President, if there's a conflict you step back and the Vice President takes over; Elvis Bitsilly - do we want to go through this process at the chapter meeting to get approval, as President of CLUPC and Chapter I can't do it, Vice President to take the lead and say this is the new amended policy; Fern Spencer - did it come up at a meeting; Pernell Halona – Laris brought it up at the meeting to be on the committee; Fern Spencer – she can't be coming in as President; Pernell Halona – you only will be a member and we can vote you in as an officer, to be on the committee send in notice, if chapter agrees and they will put you on, if we don't we don't put you on; Fern Spencer – we don't have a vacancy; Elvis Bitsilly - this is our plan of operation to renew and vote on it, I didn't accept the stipend since last month, do I accept the stipend, what does the committee think; Sonny Moore - on an annual basis in September we ask members if they want to continue to serve, we understood it's on an annual basis, coming down from the previous administration every year the five members are reconfirm with a resolution before the community, discuss at a regular chapter meeting, doing this on an annual basis along with the plan of operation, CLUPC felt that one year is too short and in the last plan of operation it was amended and we made two year appointments, in here it says 4 years, the way I look at DOJ, if you follow what DOJ asked including the resolution it will pass, if you deviate from what they send you from this document, they will tell you to make changes, we followed what

they sent for telecommunication and it's being reviewed, I don't know if each chapter has updated

their plan of operation on an annual basis, it's stated in Title 26 on how the chapters are operating, I like the four years appointments, I like the chapter official serving if necessary, Mexican Springs officials serve on the committee, there's talk on changing the dollar amount from \$125.00 to \$200.00, it will take the council and Title 26 change, everyone has to agree, people have tried and failed; Fern Spencer - I like the four year which is good because it brings in the continuity, when you bring in new people you have to go over everything that was given before, repetitive process; Elvis Bitsilly - after this fiscal year we can look at the policy and change the years serve in the plan of operation; Lee Rodgers - I see no restrictions anywhere where chapter president cannot be the leader of the CLUPC, however as you sit here we can't call you President, we address you as Chairperson to make it legal and I see no conflicts and you collect the stipends, difference would be under CLUPC is Chairperson and Chapter is Chapter President, it's for four year, that's good; Sonny Moore – if you guys agree to this, make a motion, approve and vote; Pernell Halona – we have to get approval; Elvis Bitsilly – just here with the committee, you guys approved this current policy, will be accept as is; Fern Spencer - if we do this template and insert what we need then no issue with DOJ; Lee Rodgers - I don't think there will be an issue with one change and that is your stipend; Fern Spencer – on the stipend we are changing \$75.00 to \$125.00; Priscilla Duncan – President approved money for the Tohatchi Public Safety building.

 $\label{thm:concurred} \mbox{Motion to accept DOJ template with stipend of $125.00, concurred by Vice President, Lee Rodgers.}$ 

Motion: Pernell Halona 2<sup>nd</sup>: Fern Spencer Vote: 4-0-1

Fern Spencer - I encourage you to come to one of their meetings for the Public Safety Complex, will you be on the podium at the graduation, GMCS are doing all speeches and need to be approved, I would invite officials, music to be approved at all schools, two retirees - will they be recognized, sixth graders at the elementary, people need to speak up and parents need to come to chapter meetings; Elvis Bitsilly - why are chapter officials not recognized, request ahead of time and speech to be approved; Sonny Moore - officials attention and problems with 2<sup>nd</sup> half of the budget, Christine Sam, Maria and Casey meeting at Mexican Springs, some chapters have a leadership meeting with discussion on finance and second half they talk about the projects, later we will talk to the all chapters about their projects, invite chapter officials who can attend Naschitti meeting and observe their meeting, Tohatchi not using the checklist; Elvis Bitsilly - we are following through with the checklist - President and Vice President, we need to start having these meeting since we are in an audit, it affecting our chapter government body, we will take care of the policy - corrective action plan tomorrow, need Mr. Notah on board to get money and resources that are available, money that is pending and need to expended; Sonny Moore - we met with Mike Halona, Mexican Springs and Twin Lakes complaining about the windmills and dams that need to be rehabilitated, wrote a email to the grazing officials of District 14 to let them know Mr. Halona is willing to and has money for this, storage tanks that need attention, he wants a list with the GPS information, get maps from Water Resources to see where all the windmills are at, Red Willow wash and old dams to fix, talk with Grazing Officer Moore - how far are you on this project; Fern Spencer – senior citizens building finished; Elvis Bitsilly – on Thursday OEH will do their inspection, tomorrow they will do the final survey, inspect and once approved, senior center will open soon, driver already working serving 15 people and coming out of Naschitti, cook in training, supervisor is hired and quit then hired someone else, PEP worked on discrepancies, let's finish Land Use Plan and only thing on the agenda; RDC opposed Mike Halona's removal 1-3-1; Sonny Moore — Eastern passed a resolution to remove Mike Halona, goes back to NABI then back to council, it's under

legislation, President has the last signature; **Elvis Bitsilly** – there's no policy according to the legal counsel, nothing says anything about removal of Division Directors, right there it tells you it is dead, nothing in policy and law, nothing says council can remove a division director, they can remove a attorney general or attorney up there but can't do a division director.

- VII. Resolutions: none VIII. Announcements:
- IX. Next Meeting: Tuesday, June 17, 2025 @9am-12n Tohatchi Chapter
- X. Adjournment: 11:55 am

Delphine Bitsilly Delphine Bitsilly Recorder