



# 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

**Larry Rodgers**  
Vice-President

**Delphine Bitsilly**  
Recorder

**Fern Spencer**  
Member

**Byron Bitsoie, Sr.**  
Member

### AGENDA

**Tuesday June 18, 2024 @ 9am**  
**Tohatchi Chapter**

**Teleconference# 1+2532158782**

**ID: 4311314751**

**Passcode: 230694**

- I. Call to Order: Time: \_\_\_\_\_ Roll Call: \_\_\_\_\_ Invocation: \_\_\_\_\_
- II. Introduction of Guests:
- III. Approval of Agenda:
- IV. Approval of Minutes: May 21, 2024
- V. Old Business:
  - A. Bike Trail Project Updates.
  - B. Tohatchi Chapter 5-year Land Withdrawal application status.
  - C. Tohatchi Community Land Use Plan Assignment updates.
- VI. New Business:
  - A. Tohatchi Chapter Emergency Response Plan- President Moore
  - B. SWCD- Southwest Conservation District- Mike Begay
  - C. Red Willow Farm Board- Project updates.
- VII. Resolutions: none
- VIII. Announcements:
  - A. Reschedule CLUPC Work Session Update
- IX. Next Meeting Date & Time: Tuesday, July 16, 2024 @ 9am Tohatchi Chapter
- X. Adjournment/ Time:





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### TOHATCHI COMMUNITY LAND USE PLAN COMMITTEE MEETING MINUTES

June 18, 2024

- I. Call to Order: Time: 9:15 am Roll Call: 4 present, 1 absent Invocation: Larry Rodgers
- II. Introduction of Guests: Sonny Moore, Ansley Curley, Scott Nydam, Tanisha Bitsoi, Maria Allison
- III. Approval of Agenda:

Motion to accept: Fern Spencer 2<sup>nd</sup>: Larry Rodgers Vote: 3-0-1

- IV. Approval of Minutes: May 21, 2024

Motion to accept: Larry Rodgers 2<sup>nd</sup>: Fern Spencer Vote: 3-0-1

- V. Old Business:

#### A. Bike Trail Project Updates

\***Elvis Bitsilly** – get current updates on this project and Sonny Moore is here to give the updates;  
\***Sonny Moore** – for the record Byron did submit his resignation, chapters received \$35,000 for an Emergency Response Plan which had a deadline and Maria and I worked on it, a resolution was approved for the Emergency Response Plan for the chapter, have been working on the roads and meeting with NNDOT, started with route 11 which is the Bitsilly road and we drove the 3 miles, chapter boundary was brought up and road is on the Mexican Springs side which includes the Market Place, there is a resolution stating mile marker 19 is within the boundary for Tohatchi, I did talk to Christine Sam, I included the road in the NNDOT roads inventory and let's keep it that way, Flats north of Tohatchi, there's a section with sand that goes to the Barneys, Calvin Smith's residence to Lucinda Barney is 3 miles, take a portion of 9653 which is a new road on their inventory, road 9508 which is 3 miles, NNDOT took the inventory to work on, Hot Springs roads and Halona Canyon didn't change, there's an audit meeting today at 1:30 pm, we have two or three items records management and assets for the chapter, \$800,000 and trying to post that in our financial reports, one finding we need to address, not sure how much help we'll get from DCD, we would like to move towards becoming a certified chapter, before December we would like to do our foundation, here is what we did and here finish it, not until December we would like to get through the whole audit, turn in our papers and become a certified chapter, must go before the community to decide to become a certified chapter or not, Maria and I attended an Energy Summit – transition from fossil fuel to green energy, how are we going to generate energy across the United States and not only on Navajo, Maria and I will report this information to the community tomorrow, education as community development, it's a key component for our schools to be on a top level, New Mexico education is at the bottom, Bike Trail – Maria and her work load, Ansley I need your help and gave him the assignment; \***Ansley Curley** – the information provided by the chapter, the proposal from IMBA and the resolution that was produced referencing the cost associated in that proposal, \$7950 from the Unhealthy Food line item from the chapter, 1 - chapter in communication with DOJ of the Navajo Nation, the contract and supporting documents presented to Miss Cynthia Freeman an attorney at DOJ, she is working remotely and not available



to discuss the issue, the issue is the procurement of two additional quotations, it was a requirement to the chapter through email, if the chapter is using local funds at half the cost proposed amount presented by IMBA, who is paying the other half?, I understand it was either GMCS or IMBA or another party will pick up the remaining balance of \$15,835, I talked with someone in the Controller's office, comments made here at CLUPC or Chapter meeting regarding the bike trail that any cost below \$10,000 might not have to go through DOJ and wouldn't require a contract, Valarie Bitsilly at the Office of the Controller, her response was this, in the request to DOJ to review the documents, should have been informed that it's an administrative review only, if a memorandum agreement was attached to those documents I referenced earlier, it would have gone through DOJ without any trouble, who is to pay the remaining balance by either IMBA or GMCS or whoever else was not included in the packet, those questions were brought forward by DOJ and you need the 3 quotes, since the funds are locally here at the chapter, the procurement policy locally dictate how the money is spent specifically the Unhealthy Food Tax, there's an alternate plan and that is using a sole source procurement, the issue with that is sole source you must have good justification, I've read the packet and what Trail Solutions and IMBA has developed is very specific to the type of work that is limited to a few companies, not sure how many other companies can do this type of work to build bike trails locally or in a region, trying to procure additional locations to fit to what has been presented might be difficult and may justify a sole source procurement, the chapter attempt a sole source procurement, Maria stated there are 3 quotes that are required, email will be sent to Cythnia Freeman at Department of Justice explaining this situation to her; **\*Sonny Moore** – we've been cautious due to being under an audit, in the 5 management system in procurement, \$2500 to \$10,000 will be required to have a written quotation, we have one vendor who does the same thing and his name is Terrance, we don't know if he does plan and design, our instructions to Mr. Curley and if you can't get in touch in with Miss Freeman, can we get an opinion from Mr. Roderick Begay who is our attorney who is assigned to chapters; **\*Ansley Curley** – Mr. Moore asked me to meet with Mr. Roderick Begay to setup a CLUPC meeting with the leadership to discuss this issue, I will try again today; **\*Fern Spencer** – it was set at \$10,000, it could have been used for this project; **\*Ansley Curley** – no; **\*Fern Spencer** – it has to be less than that; **\*Ansley Curley** – less than \$25; **\*Fern Spencer** – question – how did Thoreau do this and they have it in place?; **\*Scott Nydam** – Crownpoint has trails and already existing trails and walk ways, may or may not have been recognized, Crownpoint is a certify chapter or not, they received a Grant from Outdoor Equity Fund to install signage, shape structures for the community to use those passages, this scope of work is different, those trails were not engineered; **\*Fern Spencer** – we can use the cross country trail which is already in place, can we start with the trails we have now and expand trails later; **\*Scott Nydam** – this resolution is not specifically to build the trail, this is for a concept plan to engineer 3 different zones, for Zone 1, 18.7 miles including existing trails plus potential additions that have been ground possibilities, IMBA is the world's largest premier trail development organization work around the globe connecting communities to trails, the cost IMBA will pick up the rest of this, IMBA does a professional engineer concept plan and that is the price tag, Terrance Yazzie and Yazh Trails and his partner - NT Garcia, they are trail builders, IMBA are trail builders and trail designers, mountain bike trails have flow design to the landscape to make sure you lift and tilt for erosion so it doesn't do harm, several schools in GMCS are working on the biking trail; **\*Sonny Moore** – that's the sole source of justification, if Yazh Trails the construction, plan and design; **\*Elvis Bitsilly** – what other projects have you done on Navajo?; **\*Scott Nydam** – none, Navajo - Red Lake, Mr. Robert James who is the Vice President, are very excited, what IHS has recently done – they paid for 5 pump tracks, helicopter drops; **\*Elvis Bitsilly** this project is new, we need to understand and the chapter is new to this process project, as CLUPC we have to deal with the land withdrawal area, it's been a process and the chapter continues the process, how are we going to move forward with this project, we must be careful, chapter is still



under the audit, we need to follow the process, we support the chapter administration, our Navajo Nation government doesn't understand some of these new projects or experience these types of projects, we want to support all the entities here in Tohatchi; **\*Larry Rodgers** – this memo addresses the issue, Mr. Curley mentioned 3 options, 1 – contract under \$10,000 doesn't need to go to DOJ, 2 – 3 bids, 3 – sole source has to deal with a good justification, IMBA and the chapter approved 2 resolutions – passed one in March 2023, chapter passed a generic resolution to get the project worked on, in July we got a scope of work from IMBA, DOJ – what is needed, memo was released on how to use a sole source and shared with you and address this to the manager, Notah Silversmith, a sole source justification, this meeting make sure get something done, reading from the memorandum submitted by Larry Rodgers dated June 18, 2024, if we all agree we can move forward, regarding land use in Thoreau and Crownpoint are so far ahead, their land is checker board, private land, right here we are dealing with reservation land, each chapter is different on how they want their land to be used; **\*Ansley Curley** – sole source is the route to go with an justification, I can deliver to DED and get a response, resubmit, packet is still at DOJ and pull back, and include other documents - this memo, there will be a question on you're only paying \$7950, who will be paying the remaining balance IMBA or Trail Solutions, include the document saying we will pick up the balance of the cost and include with the packet; **\*Sonny Moore** – I believe there's a document from IMBA with the cost that is included in the packet; **\*Ansley Curley** – reading the document from Trail Solutions, total project cost is \$15,835 and the resolution states the chapter will pay the \$7950 from the Unhealthy Food Tax allocated to the chapter fund, it's only for the planning and designing of the engineering portion of the trail, it's doesn't identify a sole source, get a memo stating who will pay the remaining balance; **\*Scott Nydam** – I can get it from Kent McNeil the CEO as well as Dave Wings the President, as soon as possible; **\*Larry Rodgers** – whomever is providing that half cost it will be good to get it from that entity, send to Sonny, CLUPC President and Vice President, LDA Ansley Curley; **\*Ansley Curley** – I can take this memo to DED, have them do a preliminary review, if we need to submit other documents and we can do that, let them know this is where we are in the process, unless the chapter wants to go out and try to procure the 2 quotes, if we want to go sole source we should pull the packet from DOJ; **\*Larry Rodgers** – it looks like President is in support of this, admin can have copies, and you can take the original; **\*Elvis Bitsilly** - \$7950 from the chapter matching the dollar amount from the Unhealthy Food Tax, the other amount is the vendor is proposing for this plan and design, we are matching the funding presented here which is \$15,835, is the dollar amount presented two years ago and is it going to stay the same or will it change, the administration will have to make that decision because they are the ones leading the way on this, they make the decision and we only recommend as a CLUPC; **\*Ansley Curley** – what is the recommendation?; **\*Elvis Bitsilly** – does the administration agree to this and the chapter; **\*Ansley Curley** – going forward as a sole source; **\*Fern Spencer** – Sonny just signed the document; **\*Sonny Moore** – go as a sole source, there could be a change in cost, is IMBA willing to pay the balance if there's a difference in cost and let's move forward; **\*Scott Nydam** – I can confidently say there will be no change in the request; **\*Fern Spencer** – it's an election year and will we be going through this again, I hope this doesn't go down the drain with the new administration, now GMCS is looking at having a class, hope this will be in place; **\*Larry Rodgers** – contract is out of our hands and when contract is signed it's a go; **\*Scott Nydam** – project bike tech also has a project trail tech curriculum, it's not in play yet around here, we can include the trail tech educational piece within our mountain bike club program, Silver Stallion we are committed to working on this projects and working on grants, we're paying our coaches to be here; **\*Ansley Curley** – has CLUPC or Chapter withdrawn this land or designated this land for recreational use for the bike trail, it would solidified the commitment by CLUPC, the chapter going forward, if CLUPC hasn't already started that process of procuring the clearances, I highly advise you start doing that now to designate this area for use, otherwise we get the planning and design completed and we



don't know how long it will take, after that construction going out for monies for construction and the land withdrawal and clearances process could hold it up, if you withdrawal it, you work with the new administration whoever it may be, we already set this up, plans are in motion, we withdrawal the land, we procured the monies for the planning and design, this is a project that will be moving forward; **\*Larry Rodgers** – I know it was brought up by Fern, does this mean we have to withdrawal the land?, can you conceive it like a road, get a right of way for this trail because there's 18 miles of it, withdrawal land for 18 miles of trail, the cross country trail is not withdrawal, is commonly accepted as community projects; **\*Ansley Curley** – if you're going to seek money into this project later in the future like maintenance cost, improvements, construction cost, money spent by the chapter on this trail and if it isn't withdrawal you will have problems; **\*Scott Nydam** – Zone 1 is an existing trail; **\*Larry Rodgers** – when they did those walk trails, they did improvements with putting up signs, removing clearing the rocks so people have better walking areas; **\*Fern Spencer** – Zone 1 is done at the Tohatchi Mid, we can't do Zones 2 and 3 since Zone 1 is not done, it's already in place; **\*Scott Nydam** – there are certain sections that could use a different contour; **\*Larry Rodgers** – resolution approved for Zone 1; **\*Elvis Bitsilly** – need documentation to be available, it's an existing bike trail, the chapter would do the land withdrawn process through Land Department for other new areas for bike trail, anything new from DCD – Maria; **\*Maria Allison** – no.

**Motion to approve A. and memo by: Larry Rodgers**

**2<sup>nd</sup> Fern Spencer**

**Vote: 3-0-1**

**B. Tohatchi Chapter 5-year Land Withdrawal application status**

**\*Elvis Bitsilly** – area by the BIA Boarding School, I submitted a follow up request to Mr. Bitsoie at the Land Department, the application documents he wanted, the chapter administration submitted that to finalized and approve it, we haven't hear back; **\*Sonny Moore** – I submitted an email to him and haven't heard back from him; **\*Larry Rodgers** – the last action we took on it was to provide geo reference points on the boundary, the way the resolution was approved requesting the withdrawal it showed the map boundary, Byron Bitsoie stated we needed the actual points and coordinates, my brother showed where all the GPS points were made and it was submitted to Land Administration, in the Community Land Use Plan will have more information, include more maps; **\*Elvis Bitsilly** – we heard from NHA, Economic Development and Chuska, all updates were provided by Larry, we are continuing to work on the projects 2025; **\*Larry Rodgers** – only for the Tohatchi Boarding School area, there's more land withdrawals that are needed to get done, we need to GPS those as well, some might already have been withdrawal, when we start on the land withdrawals, we can determine which one is at what stage, we will do more land withdrawal recommendations, as they come along and go into the new plan, then there needs to be an application solely for those new withdrawals, chapter will need to gear up for archeology clearances that are needed, the plan we're working on those will all be embedded, get a determination from IHS on how they are going to utilize the rest of the land they had withdrawn, for example: are they planning a heliport, thinking about a wellness center on behalf of the community, if not, we need to engage conversation with them, the open field is under their allocation, across the Veterans Park, what are they planning to put there, if no plans to put anything there, let's advocate to put a Wellness Center there on that tract; **\*Fern Spencer** – Marlene Kelly an Engineer who works with other tribes, I talked with her about the bridge, she said the Navajo Tribe never fills out the paper work because it's so detail, she told me to get in touch with this man, Herbie Larsen – acting Regional Transportation Engineer at BIE office in Gallup, other tribes she has worked with they do a request and they follow through with the project, when I contact this individual – can we start to pursue the bridge; **\*Larry Rodgers** – in the Land Use Plan it can be listed as a special project; **\*Elvis Bitsilly** – project already in process to be reconstructed, road paving, scope of work and right of way has



been done through NNDOT, Tom Platero is in charge, under their department – Design and Construction Department, funds are already in place, project sat for years and funding was \$2 million to be expedited, chapter didn't follow through with it; **\*Sonny Moore** – project on top of the list with NNDOT to replace the bridge, conversation with BIA, NNDOT and the County, housing development here and there, NNDOT has money for road improvement, expand and improve road 108, there's money for it, the Northwest Council in Gallup, they have their own projects, deadline was May 31 which I wanted to include this road here, work with CLUPC on road matters, road 9653 - there's no memorandum of agreement on that road which we can't take our grader down there unless we have the memorandum of agreement with them, the rain affects the road 9653; **\*Ansley Curley** – Mr. Notah has with working with the county and has discuss right of ways so the county can come through to maintain some of the roads, replace some bridges, working on securing right of way for the county to work on all the roads, cost of new bridge is \$6-7 million; **\*Elvis Bitsilly** – Halona Canyon road is ready to go and need the money; **\*Larry Rodgers** – we had a session with transportation and the county and NNDOT was here and talked about the bridge, the bridge is maintained by county not NNDOT, NNDOT maintains the road, the county owns the bridges, they are access property obtain by the government, we have to work with both entities, if a new bridge were to be built using tribal or federal money, Navajo Nation should make claim to the whole road and bridge; **\*Ansley Curley** – Mr. Notah working on the federal dollars to replace bridges; **\*Larry Rodgers** – Antelope Pass road, there's been good work on the Badonie road, places where it is rocky, pass Whitewater Spring needs work.

#### C. Tohatchi Community Land Use Plan Assignment updates

**\*Elvis Bitsilly** – last work session was postponed, give updates to Larry Rodgers; **\*Larry Rodgers** – submit to him with any changes, read the current one and make your recommendation, should we keep it, highlight what to stay in there, in 2004 Chili Yazzie worked on it, in 2014 Shynoke Ortiz did a draft, in 2018 will go on to the new one and we're including a lot of things, Community Land Use Plan is like a living document, it continues on, make it simple and understandable with maps, add to next meeting agenda for CLUPC vacancy; **\*Fern Spencer** – what section do I have; **\*Delphine Bitsilly** – section 2, no one working on section 4, Fern has section 4; **\*Fern Spencer** – I have section 4, Byron has section 2; **\*Elvis Bitsilly** – I have section 5; **\*Delphine Bitsilly** – I have section 7, on the first page there's an outline of all the projects, the land withdrawals, surveys, acreage, at least half don't have information as far as needed or land has been withdrawal like Tohatchi Trading Post, all the old sites, I don't know if I need to write anything on those sections, or leave as is, where do I get that information, it gives me dates, acreage and if I'm going to do all this I will do a lot of research, I know the post office is completed, the warehouse project there's no information on that as far as site ownership control, survey, etc., do I need to write in these boxes to say they are done or leave as is with the original writing, they seem to be current with what is on the cover page 92, Public Safety Complex there is a land withdrawn and change it on the cover page, I looked at both and its history, it's not giving me this information in the booklet that you're looking at, I compared the two, I took out my section, I don't know how to write it or leave it, the sites have needed, do I come to the chapter to research all this information; **\*Larry Rodgers** – there's no narrative on it?; **\*Delphine Bitsilly** – no just what you see here, maps and acreage; **\*Fern Spencer** – Elvis you did send that to us, right?; **\*Elvis Bitsilly** – we all got a copy of it; **\*Delphine Bitsilly** – I was supposed to email it to you but the file was too big, I asked you to bring a flash drive so I can copy the file to your flash drive; **\*Sonny Moore** – I can help you with some of the projects because I have folders on them, Safety Complex, Hot Springs; **\*Elvis Bitsilly** – what I understood what we're doing is only recommending to eliminate some of these sections, for example: we want to replace the maps in section 7, specific details of the sites is a lot of research and detail, we are not changing data in the sections, we are looking at the overall plan and to downsize it; **\*Larry Rodgers** – adding new things like the Tohatchi Boarding School area, roads that need to be approve, the



bridge that needs attention, new potential housing area, summary from Frank Chiapetti regarding Chuska Housing.

**VI. New Business:**

**A. Tohatchi Chapter Emergency Response Plan- President Moore**

**\*Sonny Moore** – reviewed the Chapter Emergency Response Plan, where do we need training – CPR training here, put on bulletin board to say these are the emergency response team for the chapter, these people are going to be incident command people, we haven't trained the staff on the sections so they will all be aware how to respond to an emergency, the document says it can be revised every year, I designated places for helicopters to land and it's by the Chooshgai road and the old airport area, recommend any changes, we may ask Elvis, Larry to help with emergencies, I asked Maria let's buy emergency supplies; **\*Elvis Bitsilly** – all chapters needed this Emergency Response Plan, must get approved to get the Emergency funds to the chapters; **\*Fern Spencer** – working with GMCS and everyone in this report, have you had a meeting with them as to what this is about?, a couple years ago there was an active shooter incident, we were to come to the chapter with Chuska as well, radio said to go to the elementary school, the active shooter is down there by the gym area, GMCS starting having these drills, I know for a fact the fire drills have to be the first month every week, after that once a month, one was for an active shooter – what do you do?, where do we go?, correlation between the schools need to be done, Chuska is going to do this, a couple weeks ago when we had that shooter, Chuska was the only one that shut down, GMCS and Twin Lakes didn't shut down, Crownpoint police said don't worry about it, GMCS is good about Shelter in Place, text goes to the parents automatically, this is only a drill, chapter needs to be with all the people in charge as far as what are we going to do?; **\*Larry Rodgers** – President Moore, what relates to land like the heliport and add in the report with the map, any discussion on airport runway; **\*Sonny Moore** – rural addressing and we should have that information on coordinates; **\*Elvis Bitsilly** – baseball field by chapter at one time landed a helicopter; **\*Sonny Moore** – made a offer to the high school to bring dirt here, get approval for asphalt and bring here also, the dirt they don't want to take to Gallup and can be used for a water break, use for bedding for the pipe; **\*Fern Spencer** - what about the asphalt by the old gas station?; **\*Sonny Moore** – I'm working on it, we got approval from State of New Mexico, work something out with Carlos Long, and NNDOT to pick it up, open it up for the community to take it; **\*Larry Rodgers** – after the state approved the use of that, you have this time frame to move some, we couldn't get transportation to do it, contacted NNDOT and we have a work schedule planned out, we don't have time, contacted a man from Prewitt who is into trucking, charge \$20,000 for two days.

**Motion to approve A. defer B. and C. in New Business:**

**Motion: Larry Rodgers**

**2nd: Fern Spencer**

**Vote: 3-0-1**

**B. SWCD- Southwest Conservation District- Mike Begay**

**C. Red Willow Farm Board- Project updates**

**VII. Resolutions: none**

**VIII. Announcements:**

**A. Reschedule CLUPC Work Session Update**

**July 11 and August 13, 9:00 am to 3:00 pm**

**IX. Next Meeting Date & Time: Tuesday, July 16, 2024 @ 9am Tohatchi Chapter**

**X. Adjournment/ Time: 11:47 am**

**Delphine Bitsilly, Recorder**

*Delphine Bitsilly*