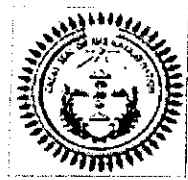




BÁÁHÁÁLÍ CHAPTER
 P.O. Box 6118, Gallup, New Mexico 87805
 PHONE (505) 778-5788 or 778-5796
 FAX (505) 778-5915
<http://breadsprings.ndes.org>



BLOONIE

Isabelle Morgan
 Chapter President
 Benjamin Livingston
 Chapter Vice President
 Annie Descheny
 Chapter Secretary/Treasurer

Charles Damon II
 Council Delegate
 Emery Chee
 Land Board Member
 Gloria M Skeet deCruz
 Chapter Manager

District 6 Joint Council Meeting
26 April 2012
8:30 am
Bááhááli Chapter

18

1. Call Meeting to Order: David Lee *9:45 am*
2. Invocation: *Prayer by David Lee*
3. Purpose of Meeting: David Lee
- ✓ 4. Navajo Nation Council Updates: Charles Damon, CD
- ✓ 5. Plan of Operation Update: David Lee & Chancy Martinez
- ✓ 6. Strategic Work Session Update: Gloria M. Skeet deCruz
- ✓ 7. Hotel Information & Work Session Cost: Gloria M. Skeet deCruz
8. Strategic Work Session Proposed Agenda: Planning Committee
9. Next Meeting Date & Location: _____
10. Adjourn

MEETING SIGN-IN SHEET

CHAPTER: BAAHAALI CHAPTER

TYPE OF MEETING: District Le Joint Council meeting.

DATE: April, 26, 2012.

- 1 David Lu Teyatoh 28
- 2 Dadelle Morgan Baahadi 29
- 3 Charles B L Tsal'Chis 30
Chupla, President
- 4 Bertha Dayz-chi Chit'eh 31
- 5 Daphina D. Bedonie - Rock Spss. 32
- 6 Tommy L Nelson Chit'eh 33
- ~~7 John H. Ross 34~~
- 8 Rosilyn John CSC - chudultab 35
- 9 Matthew Austin Teyatoh 36
- 10 Channey Martinez TSAYATOH 37
- 11 Charles Damon W 38
- 12 Van Sanchez Baahadi, Sec. 39
- 13 _____ 40
- 14 _____ 41
- 15 _____ 42
- 16 _____ 43
- 17 _____ 44
- 18 _____ 45
- 19 _____ 46
- 20 _____ 47
- 21 _____ 48
- 22 _____ 49
- 23 _____ 50
- 24 _____ 51
- 25 _____ 52
- 26 _____ 53
- 27 _____ 54

District 6 Joint Council Meeting

Baahaali Chapter

April 26, 2012

MINUTES

The District 6 Joint Council Meeting was called to order by Mr. David Lee, President, at 9:43 am. The invocation was given by Roselyn John. We need to thank Gloria deCruz for taken the responsibility of preparing the agenda for us. The purpose of the meeting is to prepare and update on information that have 10 items on the agenda. Therefore, the agenda was reviewed. Isebelle Morgan made a motion to accept the agenda as is. Roselyn John seconded the motion. **VOTE: 10 in Favor, 0 Opposed and 1 Abstained.**

Item #4: Navajo Nation Council Update-Honorable Charles Damon: There are 2 information the needs to be shared with you. Item 1- Verbal information is that the Council is meeting without a Plan of Operation. My response is that the 6 chapters are meeting to help one another with their projects and combining their efforts to prepare to become certified chapters, they are volunteering their time to assist their communities. The chapter resolutions along with their budgets is taking some time. But will submit the ones that have submitted them to the legal department, at the present time the Plan of Operation is still pending. Item 2 – Colorado River Western has become a conversational effort, a group of Navajos has been formed. They are also without a Plan of Operation. After reading Mr. Stanley Pollack-Opposing the waiver of Navajo Nation Water Rights Claims and the Navajo Generating Lease Extension Provision of US Senate Bill S. 2109. Legislation tracking # 0149-12. (attached).

I come to meetings to hear each chapters needs; such as roads, water issues and land overlapping in work with your CLUP members, need to start your 5 years updating your CLUP plans for your chapters. Red Rock hired a planner to do all the updating on status of all projects. So, they are ahead of our plans.

Roselyn John: I just have two areas of concern, When you attend your council session was there anything on the supplemental funds; such as PEP and housing funds? Read something on land exchange on Fort Wingate with Zuni Tribe. Gloria have copies of all updated on the session, can disseminate those to the chapters.

David Lee: Thank you for enlightening on the updates with the chapters on the Plan of Operation. Need to focus on your plans and resolve those issues. Item 5 has been discussed and information has given out to each chapters. Item 6: Strategic Work Session Update – Gloria deCruz, since Baahaali chapter is certified chapter has taken the responsibilities to spearhead the session, thank you again, Gloria.

The Strategic Work Session is schedule for May 10, 11 and 12, 2012 to be held at Sheraton Airport, Albuquerque, New Mexico and all information that gathered by Guarena Skeets, Administration Assistant is attached.

David Lee: There are other companies that we have requested for additional funds for session. Letter is attached. They have not answered our requests. During the lengthy discuss on changing dates, but that did not happen. During the brain storming the following topics should be on the agenda for discussion; 1) Roads, 2) Housing, 3) Land Use Plans/Certification of chapters, 4) Lights along the highway-south, 5) Transits-Transportation, 6) NN Gallup Project and there are other projects in each chapters.

May 10, 2012 will be for the District 6 Joint Council

May 11, 2012 will be for NHA, there 6 people doing the presentation

May 12, 2012 will be for summarizing the work session

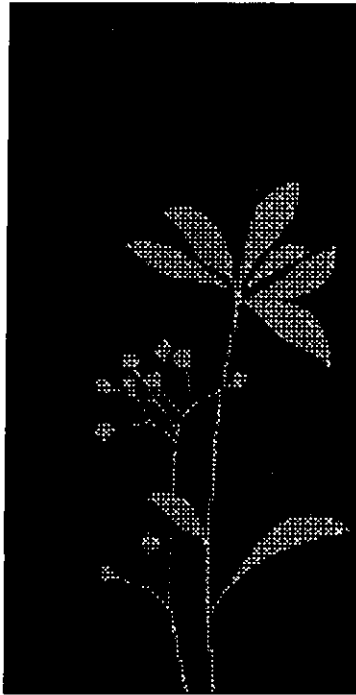
If you have any questions concerning work session; you can contact Guarena Skeets, Adminstrative Assistant, Baahaali Chapter @ gmadekyskeets@navajochapters.org

The date for the next meeting will be discussed at the work session. The meeting adjourned at 12:30 pm.

Respectfully submitted,

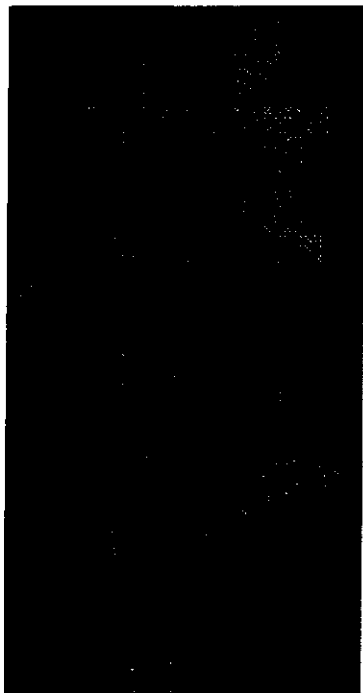
Delphina Bedonie, Vice-President

Rock Springs Chapter



**DISTRICT 6 JOINT
COUNCIL**

Strategic Work Session
May 10-12, 2012
Sheraton Airport, Albuquerque,
NM



Sheraton Airport Albuquerque

**HOTEL REFRESHMENT
COSTS**

Refreshment Options

- Government Per Diem Rate is offered from Sheraton Airport
- All Day Refreshment Packages are Offered which includes: Continental Breakfast, Mid-morning break, and Afternoon break
 - With no lunch as part of the package, the cost is \$18.00 per person per day
 - With lunch as part of the package, the cost is \$30.00 per person per day
- No information was available for a la carte rates
- Sheraton is offering complimentary breakfast as part of the room rate, just like MCM Elegante.

*Code Coffee, Tea, or no breakfast
But, will call to Peggy.*

Sheraton Airport Albuquerque

Meeting Budget			
	Thursday	Friday	Saturday
Meeting Room Rental Fee	\$ -	\$ -	\$ -
Refreshments	\$ 576.00	\$ 576.00	\$ 576.00
Total	\$ 1,728.00	div by 6	\$ 288.00

Does not include Tax

Refreshments: \$18.00 per person

*Does NOT include service fee or taxes.
that varies.*

CHAPTER TRAVEL COSTS BREAKDOWN

Travel Costs Per Chapter Per Person

Travel Per Person: Bááháálí Chapter					
	Wed	Thurs	Fri	Sat	Total Per Person
Lodging	\$ 91.53	\$ 91.53	\$ 91.53		
Mileage	\$ 76.50			\$ 76.50	
Meals	\$ 34.00	\$ 56.00	\$ 56.00	\$ 27.00	
	\$ 202.03	\$ 147.53	\$ 147.53	\$ 103.50	\$ 600.59

Travel Per Person: Chichiltah Chapter					
	Wed	Thurs	Fri	Sat	Total Per Person
Lodging	\$ 91.53	\$ 91.53	\$ 91.53		
Mileage	\$ 82.62			\$ 82.62	
Meals	\$ 34.00	\$ 56.00	\$ 56.00	\$ 27.00	
	\$ 208.15	\$ 147.53	\$ 147.53	\$ 109.62	\$ 612.83

Travel Costs Per Chapter Per Person

Travel Per Person: Manuelito Chapter					
	Wed	Thurs	Fri	Sat	Total Per Person
Lodging	\$ 91.53	\$ 91.53	\$ 91.53		
Mileage	\$ 79.05			\$ 79.05	
Meals	\$ 34.00	\$ 56.00	\$ 56.00	\$ 27.00	
	\$ 204.58	\$ 147.53	\$ 147.53	\$ 106.05	

Travel Per Person: Rock Springs Chapter					
	Wed	Thurs	Fri	Sat	Total Per Person
Lodging	\$ 91.53	\$ 91.53	\$ 91.53		
Mileage	\$ 77.77			\$ 77.77	
Meals	\$ 34.00	\$ 56.00	\$ 56.00	\$ 27.00	
	\$ 203.30	\$ 147.53	\$ 147.53	\$ 104.77	

Travel Costs Per Chapter Per Person

Travel Per Person: Tselichii Chapter					
	Wed	Thurs	Fri	Sat	Total Per Person
Lodging	\$ 91.53	\$ 91.53	\$ 91.53		
Mileage	\$ 72.42			\$ 72.42	
Meals	\$ 34.00	\$ 56.00	\$ 56.00	\$ 27.00	
	\$ 197.95	\$ 147.53	\$ 147.53	\$ 99.42	

Travel Per Person: Tseyatoh Chapter					
	Wed	Thurs	Fri	Sat	Total Per Person
Lodging	\$ 91.53	\$ 91.53	\$ 91.53		
Mileage	\$ 79.05			\$ 79.05	
Meals	\$ 34.00	\$ 56.00	\$ 56.00	\$ 27.00	
	\$ 204.58	\$ 147.53	\$ 147.53	\$ 106.05	

Travel Cost Breakdown Per Chapter

Chapter Name	# Ppl Attending	Cost Per Person	Total Per Chapter
Bááhááí Chapter	5	\$ 600.59	\$ 3,002.95
Chichiltah Chapter	5	\$ 612.83	\$ 3,064.15
Manuelito Chapter	5	\$ 605.69	\$ 3,028.45
Rock Springs Chapter	5	\$ 603.12	\$ 3,015.60
Tselichii Chapter	5	\$ 592.43	\$ 2,962.15
Tseyatoh Chapter	5	\$ 605.69	\$ 3,028.45

* Include LB mbr.
 Mileage - ↑
 ? SF. 52 - 1 = individuals
 3 + 2 =
 the mileage rate vari

Thank you for your attention!

Any questions, please contact:

Guarena Skeets,
 Administrative Assistant
 Bááhááí Chapter
gmadekyskeets@navajochapters.org





NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL


HARRISON TSOSIE
Attorney General

DANA L. BOBROFF
Deputy Attorney General

MEMORANDUM

TO: Hon. Johnny Naize, Speaker
Navajo Nation Council

: Executive Director (submitted electronically)
Office of Legislative Services

FROM: 
Stanley M. Pollack, Assistant Attorney General
Water Rights Unit, Department of Justice

DATE: April 16, 2012

SUBJECT: **Proposed Navajo Nation Council Resolution, An Action Relating to Resources and Development and Naabik'iyáti'; Opposing the Waiver of Navajo Nation Water Rights Claims and the Navajo Generating Lease Extension Provisions of U.S. Senate Bill S. 2109. Legislation, Tracking No. 0149-12**

Thank you for the opportunity to provide comments on the above-referenced proposed legislation concerning various provisions of Senate Bill 2109, the Navajo-Hopi Little Colorado River Water Rights Settlement Act. The Department of Justice recommends that the Navajo Nation Council take no action on Legislation No. 0149-12. An Executive Summary of the grounds for this recommendation is set forth below, followed by a more thorough technical discussion of the problems with the Legislation.

EXECUTIVE SUMMARY

Legislation No. 0149-12 would have the Navajo Nation Council take a policy position that two provisions of Senate Bill 2109 should be stricken – (1) the waivers of claims, and (2) what the Legislation refers to as the “Navajo Generating Station lease extension” provision. First, as a procedural matter, there is no reason to consider Legislation 0149-12 now. The issues raised by the Legislation would be more appropriately raised when the Settlement Agreement comes before the Council for approval.

(1) **Waivers of Claims.** As discussed more fully below, a settlement simply is not possible if the Nation does not waive any claims it may have to additional water from the Little Colorado River system. The Nation cannot both settle its water rights claims and retain the right to go back to court later and ask for additional water. As part of the settlement process, the Adjudication Court will enter a decree recognizing the water rights agreed to in the settlement and that will be the final determination of the extent of the Nation's rights.

Memorandum to: Hon. Johnny Naize, Speaker, NNC & Exec. Director, OLS

Re: 0149-12

April 16, 2012

Page 2 of 4

(2) NGS Provisions. Title II of S. 2109 provides that Colorado River water, specifically Central Arizona Project (CAP) water, may be delivered through the Navajo-Gallup Water Supply Project (NGWSP) if the Navajo Generating Station remains in operation. In order for NGS to remain open, the Nation would need to agree to extend the plant site lease and other operating agreements. These provisions are an option that the Nation may choose to accept or reject. By seeking to have these provisions removed from S. 2109, the Legislation would take away that option.

SECTION-BY-SECTION REVIEW OF LEGISLATION 0149-12

Section One. Findings.

Subparagraph 3 states that “[p]ursuant to Senate Bill S. 2109 Title 1 Section 105, the Navajo Nation is authorized to execute a waiver of the Navajo Nation water rights to the Little Colorado River system and source.” This is not entirely correct. Section 105 contains waivers, releases, and retention of claims. The waivers described in Section 105 waive the Navajo Nation’s right to claim additional water from the Little Colorado River (LCR) system and source over and above the water rights that would be secured to the Navajo Nation by the Settlement Agreement.

If the Navajo Nation Council approves the proposed Settlement Agreement, the rights of the Navajo Nation to water from the LCR system would be established by way of settlement, rather than having a state court determine what those rights are. The purpose of the waivers, releases and retention of claims is to ensure that the settlement is a final and permanent settlement. By entering into the Settlement Agreement and executing the waivers, releases and retention of claims, the Nation is agreeing that its rights to water in the LCR system are as set forth in the Settlement Agreement. Those rights include the right to use all surface waters and groundwater that arise on, run through, or lie under the Navajo Nation. (The only limits to the use of these rights are for those sources of water shared with the Hopi Tribe.) Because this is a final and permanent settlement, these rights cannot be taken away from the Navajo Nation. In addition, the retention of claims provisions are significant because the retentions clarify that the Navajo Nation is not settling or waiving any rights to water outside of the LCR system in Arizona, including claims the Navajo Nation may have to the Colorado River in the Upper and Lower Basins.

Section Two. Opposing Waiver of Navajo Nation Water Rights

As explained above, by the Settlement Agreement does not require the Navajo Nation to waive rights to water, but for the settlement to be final the Nation must waive claims to additional water from the LCR over and above the water rights described in the settlement agreement.

To date, Congress has approved water settlement legislation for twenty eight (28) Native American Nations, ten (10) of which are located in the State of Arizona. In every instance the settling tribe was required to execute a waiver and release of claims, including the Navajo Nation in its settlement of claims to the San Juan River in New Mexico. See: Section 10808 of the Northwest New Mexico Rural Water Projects. The provisions of Section 105 of S. 2109 are virtually identical to the waivers, releases, and retention language in the White Mountain Apache Tribe water rights settlement legislation. See: Claims Resolution Act of 2010, P.L. 111–291, Title III, Section 309.

In short, without waivers of additional claims, there can be no settlement.

Finally, it should be noted that the Navajo Nation Council approved the Northeastern Arizona Indian Water Rights Settlement (NAIWRS) that would have settled Navajo claims to water in the Lower Basin of the Colorado River and the Little Colorado River Basin in the State of Arizona. However, that settlement never became effective because the total cost of the settlement was more than the Arizona Congressional Delegation believed that Congress would support. The waivers, releases and retention of claims language found in S. 2109 is virtually identical to the language in NAIWRS with the exception that all waivers and releases relating to Lower Basin Colorado River claims have been deleted, and such claims are expressly retained.

Section Three. Opposing Navajo Generating Station Provisions.

Section 201(a)(2)(B) of S. 2109 requires the Navajo Nation and the NGS lessees to execute an amendment to the lease for NGS before 6,411 acre-feet of CAP water can be reallocated to the Navajo Nation and delivered to Navajo communities in Arizona through the NGWSP. The Navajo Nation has the option to extend the NGS lease or not. If the lease is not extended, the Navajo-Hopi Little Colorado River Water Rights Settlement (NHLCRWRS) would still be effective but the Navajo Nation would have to wait for a Colorado River settlement in order to secure a supply of water for delivery to the Navajo Arizona communities through the NGWSP.

By way of background, Section 104(a)(1)(B)(ii) of the Arizona Water Settlements Act, P.L. 108-451 (2004), authorized the Secretary of the Interior to retain 6,411 acre-feet of water from a pool of CAP water set aside by that Act for use in settling Indian water rights claims in Arizona. That water is reserved for a "future water rights settlement agreement approved by an Act of Congress that settles the Navajo Nation's claims to water in Arizona." The reservation of water expires on December 31, 2030.

The reservation of the 6,411 acre-feet was amended by P.L. 111-11 as a result of objections raised by the State of Arizona to the Navajo Nation San Juan River Settlement. The Navajo San Juan settlement legislation provides that water cannot be delivered to use by Navajo communities in Arizona until –

(A) the Nation and the State of Arizona have entered into a water rights settlement agreement approved by an Act of Congress that settles and waives to the Nation's claims to water in the Lower Basin and the Little Colorado River Basin in the State of Arizona.

P.L. 111-11, Section 10603(c)(1)(A) (emphasis added).

Previously, the Navajo Nation Council approved the NAIWRS that would have settled Navajo claims to water in the Lower Basin and the Little Colorado River Basin in the State of Arizona. If that settlement had been approved by Congress, the Navajo Nation would have been reallocated 29,000 acre-feet of

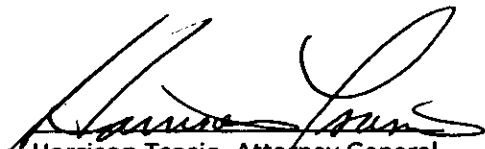
Memorandum to: Hon. Johnny Naize, Speaker, NNC & Exec. Director, OLS
Re: 0149-12
April 16, 2012
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CAP water with the ability to deliver 6,411 acre-feet to Navajo communities in Arizona served by NGWSP.

Without a Lower Basin settlement, none of the CAP water is reallocated to the Navajo Nation and the Nation does not have the ability to serve its Arizona communities with water through the NGWSP. Nevertheless, the State of Arizona and various state parties to the NHLCRWRS have a strong interest in the continued operation of NGS. These parties are not willing to support an amendment to P.L. 111-11 that would allow the 6,411 acre-feet of CAP water to be reallocated to the Navajo Nation and used in the NGWSP without a Colorado River settlement. However, they do support amending P.L. 111-11 that would allow such reallocation and authorization if the Navajo Nation agrees to the extension of NGS. In other words, the Navajo Nation would receive an allocation of 6,411 acre-feet of Colorado River water even though the Navajo Nation would not be settling its Lower Basin Colorado River water rights claims or executing any waiver of such claims.


In short, the Navajo Nation has an option that allows it to receive 6,411 acre-feet of water by extending the NGS lease. Eliminating this option from S. 2109 deprives the Nation of the option to receive this water. Rather than eliminate the NGS provisions of S. 2109, the Navajo Nation can exercise its sovereign authority by simply refusing to extend the NGS agreements. There is no reason to deprive the Nation of the option to receive this water at this time.

CONCURRED:



Harrison Tsosie, Attorney General
Department of Justice

cc: Honorable Katherine Bennally, Council Delegate
Honorable Members, 22nd Navajo Nation Council
Honorable Ben Shelly, President, Navajo Nation
Navajo Nation Water Rights Commission



District 6 Joint
Council

Joint Council Officers

David Lee, President

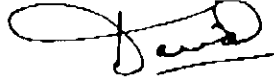
Tommy Nelson, Vice President

Della Bedonie, Secretary/Treasurer

Represented Chapters

Bááhááli - Chichiltah - Tselighii

Manuelito - Rock Springs - Tseyatoh



April 17, 2012

Iinaa' Ba
2101 San Juan Boulevard
Farmington, New Mexico 87401

Dear Sir or Madam:

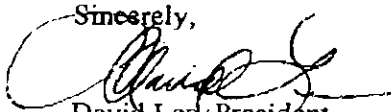
Greetings! The District 6 Joint Council is comprised of six chapters located around Gallup and represented by Honorable Council Delegate, Charles Damon II. The purpose of the Joint Council is to work jointly with Mr. Damon to address regional issues and support regional projects that impact and benefit the District 6 chapter communities.

The District 6 Joint Council has scheduled a Strategic Work Session in Albuquerque, NM, May 10 -12, 2012 and we are requesting for your financial support of \$300.00 to help defray cost. Our Joint Council is one of two Legislative Districts within the Navajo Nation to begin regionalizing in an organized fashion. So far, a Plan of Operation has been completed with supporting resolutions from each of the six chapters and, Honorable Council Delegate Charles Damon II is introducing Legislation to have District 6 Joint Council to be formally recognized by the Navajo Nation Council. The next step is to complete a District 6 Joint Council Strategic Plan: to develop a vision and mission statement and identify regional priorities and long range goals.

District 6 Joint Council members, which include the Chapter Administration, Chapter Officials, Land Board Members, Chapter Standing Committee members, and other members as identified by individual chapters, have been meeting for over a year and are now prepared to "roll up their sleeves" and develop a strategic plan for our region. We are asking for your kindness and financial support to help our Plans come into fruition.

We look forward to a favorable response. If you have any questions, please contact Guarena Adeky Skeets, Administrative Assistant, and Bááhááli Chapter at (505) 778-5788 or via email at gmadekyskeets@navajochapters.org.

Sincerely,



David Lee, President
District Six Joint Council