

MEETING MINUTES
OF THE FORT DEFIANCE NAVAJO AGENCY ROADS COMMITTEE
NASCHITTI CHAPTER HOUSE
Naschitti, NM
REGULAR MEETING
March 17, 2008 @ 9:00 am

I CALL MEETING TO ORDER: Meeting was called to order by Mr. Harrison Plummer at 10:15 AM.

II ROLL CALL

District 7	X	Lee Jack, Sr.	<input type="checkbox"/>	Raymond Pete	<input type="checkbox"/>	<u>Vacate</u>
District 14	X	Harrison Plummer	X	Willis Nez	X	<u>Paul Denetdale</u>
District 17	<input type="checkbox"/>	Willie Tracey	X	Thomas H. Bia	<input type="checkbox"/>	<u>Martin Begay</u>
District 18	<input type="checkbox"/>	Lorenzo Curley	X	Raymond Berchman	X	<u>Roscoe Smith</u>

TCDC Membership X Sampson Begay X Omer Begay, Jr.

III INVOCATION: Was given by Hoskie Bryant, Naschitti Chapter President. Welcome remarks were given by Willis Nez, member of FDARC.

IV RECOGNIZING OF GUEST/INTRODUCTION: Introductions were made.

TCDC Membership:

Sampson Begay, Chairperson	Jerry Bodie, Northern Agency Member
Johnny Naize, Vice-Chairperson	Lorenzo Bedonie, Central Agency Member
Willie Begay, Western Agency Member	David Rico, Eastern Agency Member
Leslie Deal, Western Agency Member	Omer Begay, Jr., Central Agency Member
Gerri Harrison, Legislative Advisor	

NDOT Staff:

Tom Platero, NDOT Manager	Patricia Begay, TIPP Manager
Julius Pete, ROW Agent	Kendal Long, Maintenance Manager
Michele Morris, Environ.	

BIA Staff:

Calvin Castillo, Fort Defiance Road Engineer
Herby Larson, NRDOT Maintenance
Irvin Bekis, NRDOT Director

Others:

Senator John Pinto-NM Dist. 3	Richard Bowman, McKinley County Treasure
Christine Wallace, Kinlichee Chapter Pres.	Ernest Becenti, Jr., McKinley County Commissioner
Hoskie Bryant, Naschitti Chapter Pres.	Leo Largent, Naschitti Chapter Coordinator
Paul Denetdale, Naschitti Chapter VP	Jack Whitehorse, Steamboat Chapter President

V READING/APPROVAL OF AGENDA: Mr. Plummer read the agenda for the record. Raymond Berchman motioned to accept and second by Thomas Bia. Agenda approved with a vote of 5-0-0.

VI READING/APPROVAL OF PREVIOUS MEETING MINUTES:

January 17, 2008 Kinlichee-accepted
February 14, 2008-accepted
February 20, 2008-accepted.

Raymond Berchmen motioned to accept all three previous meeting minutes and second by Lee Jack. Motion approved with a vote of 5-0-0.

VII ANNOUNCEMENTS:

- Fort Defiance Agency Council meeting-March 22nd, 2008 at the Nahata Dziil Chapter.
- NDOT Staff In-service-March 25-28, 2008.

VIII REPORTS:

A. TCDC Report

Omer Begay, FD Agency TCDC Rep.

Reported on the following:

- Agency Road Priority projects: TCDC has not has not made any changes to the Agency Road Priority projects.
- BIA/COUNTY: Thanked the BIA and Counties for pitching in to help out with the recent snow storms and adverse weather conditions. They were able to assist a lot of chapters with road grading services.
- BIA Funding: He also mentioned that BIA is in a funding shortage and the Navajo Nation is in the process of finalizing the Memorandum of Agreement with the BIA to assume the road maintenance work. Chapters are beginning to request for road grading services during inclement weather conditions, it would be wise if the Navajo Nation had enough Road Graders to service the entire Navajo Nation. As a result, the TCDC has voted to purchase new heavy equipment to provide these services. Funding will be taken from the Navajo Fuel Excise Tax for 2008. No chapter proposals will be awarded.

B. TCDC Report

Sampson Begay, TCDC Chairperson.

Mr. Sampson Begay reported on the following: TCDC top 3 priorities for 2008. 1. Road Inventory, 2. Maintenance Program. 3. Reauthorization.

- Reauthorization: Mr. Begay reported that the Safety-Lu Reauthorization process has not started. He mentioned that several issues need to be addressed in the next reauthorization. He will keep the committee abreast on the latest development.
- Road Maintenance: it was reported that the US Government was proposing make drastic funding cuts for the road maintenance program for 2009. BIA receives approximately \$26 millions dollars nation wide for maintaining existing roads. Navajo receives about \$6 million annually. However, if the funding proposal for 2009 is approved, Navajo will only get 3 million. That is not enough to maintain any road on the Navajo Nation. TCDC will be traveling to Washington, D.C. to lobby for maintaining full funding.
- US491 Construction: the Navajo Nation has finally reached an agreement with NMDOT regarding the US491 construction. A formal ground breaking ceremony is being planned and construction is anticipated by May 2008. The Navajo Nation contribution to the project is \$8 million. \$2 million dollars will be appropriated to the construction every year for 4 years and will be taken out of the new road construction funding. Attribution will not affect the agency road priority list or any project. he thanked the ASRC for their support.
- Road Inventory: NDOT has been working on collecting non-system road information to add to the current road inventory to increase funding for the Navajo Nation. The Navajo Nation has used 3,200 miles for a long with no changes or addition to the current inventory system. TCDC directed NDOT to start adding on new miles so that funding can be increased. To date, NDOT has collected approximately 5,016 new miles and hopefully will get accepted in the system. If this is accepted by BIA it could generate a substantial amount for roads. This effort was necessary to compete with the rest of the Indian Nations.

Questions:

Lee Jack expressed his dismay with TCDC for approving to apply all of the Fuel Excise Tax funding toward purchasing new heavy equipment for NDOT. He stated that the very least they should have done was conduct a public hearing to inform the public of its intent.

Roscoe Smith asked how TCDC developed its scoring system for the FET and asked if the entire \$7.2 million were to be applied for equipment purchase.

JC Whitehorse echoed Mr. Jack's concerns and comments. He also asked if information on the road inventory can be made available for his chapter.

Ernest Becenti, Jr., questioned who authorized the \$8 million dollars contribution for US491 construction and asked why the public and chapters were not informed of this. He also asked how chapters can receive funding for certain purchases from the FET since precedence were already set to change the funding criteria.

Response:

Leslie Deal responded to NDOT was having a difficult time awarding projects under the FET because of the size and scope of work. Several projects remain incomplete. The intent of awarding all the FET proceeds to NDOT for equipment purchase was to boost project results. The TCDC is proposing to turn over the FET projects to BIA Force Account.

Lee Jack reiterated that his main concern is not the intent but how the process was handled without public input. He also mentioned that 15 projects were slated for award.

Gerri Harrison stated that TCDC followed proper procedures in its decision. The 15 projects mentioned by Mr. Jack were not definite and not released. She also added that the increase in road inventory will require more equipment purchases to handle the work load. She stated that proper notices will be sent to all the chapters.

Christine Wallace echoed the same concerns that TCDC did not follow proper protocol in its decision. Chapters were not informed of this of as yet and several chapters did submit their proposals and expended valuable resources to develop their proposals only to fall by the waste side. She further stated that the public has the ultimate to authority to authorize any changes since the funding.

Raymond Berchman commented that TCDC should follow AHOC recommendation to fund projects.

Omer Begay responded that in order to implement and address improvements, equipment need to be purchased. He expressed that the general public want to see improvements to the existing roads not so much in the parking lots. He further stated that proper laws were satisfied in changing the FET allocations to purchase heavy equipment. Without the purchases, the Navajo Nation may not be able to meets its demand for road improvements. Counties and other entities can't not allow be our answer when it comes to improvements. The Navajo Nation needs to stand on its own two feet and try to address these issues. Also, this process was cleared through Legislative Counsel and Department of Justice he added.

Willis Nez disagreed that proper procedures were followed. He argued that the intent and information were not shared with the chapters and most importantly the general public who provided most of the funding through fuel purchases. He was concerned that his representatives and leaders aware of this decision as well. Also, to date no feed back were provided from NDOT and TCDC until recently on this decision. He is aware and agree that the Navajo Nation must start addressing its our deplorable road conditions. However, he stated that was a separate issue. His concern is that appearance of TCDC making its own decision without consultation with the chapters and general public. He asked if there was a plan to utilize the proposed heavy equipment purchases and what the anticipated cost were of maintaining the equipment when it is finally purchased?

C. NDOT REPORT

Tom Platero, Department Manager III

Mr. Platero reported on the following activity within NDOT: he commented that he was glad that transportation was finally an issue with the chapters. He looks forward to having the general public get involved with transportation.

- He commented that at the next regular ARC meeting Mr. Tulley, Senior Planner will be providing an orientation on NDOT's strategic plans so the committee will be familiar NDOT's plans. He stated that misunderstanding may be result of not being familiar with NDOT's goals.
- He committed that he will be providing a monthly written report to the ARC to keep them updated on NDOT and other important events.
- Also, he made comments on the Long Range Transportation Plans for the Navajo Nation. Urged the committee to become more involved in their priority listing and become familiar with the projects. He mentioned that the Navajo nation had over 50,000 miles of road and not enough funding to provide improvements to all the roads. He said NDOT is doing what it can to educate the public on transportation issues and sharing as much information as possible.
- The Navajo nation is proposing to 93-638 the Road Maintenance program. The Memorandum of Understanding is currently being reviewed by the Department of Justice. Once approved, NDOT will inform the ARCs.
- Also, he mentioned that NDOT will be dividing the Navajo Nation into 12 regions to make services readily available for services within reasonable time. He gave scenarios with the current set up and concerns with untimely response for grading services. He said his department is looking and exploring new ways to improvement and immediate response.
- Maintenance yards are being established to provide immediate service to the communities. Saving time and money on equipment transport.
- NDOT is also working on a task management system for the staff that will enable the department to keep tract of tasks and assignments to improve customer services. This is two months away.
- Airport runways are also being planned for improvement. Currently NDOT seeking more funds to improve existing airports.
- Others improvements are: the ability for chapters to print their maps on-line, Long Range Transportation plan being update, TTIP is also being updated, FET scoring system will also be changed and improved, 5,126 miles of new roads are being added to the current inventory and Navajo Nation is expected to receive \$67 million for road funds this year.
- Finally in closing, he commented that the TCDC were very supportive in his efforts to expand services and thanked them.

Questions:

Willis Nez commented that Fort Defiance Agency has 28 projects on the agency priority list currently. However, the agency only has 1 or 2 projects in the ready status. He expressed that a better tract and file management system be implemented for all projects. He asked a bout a particular project once and was given the run around from BIA, HPD and NDOT. He is concerned that every day chapters are requesting

assistance to improve their community roads and we don't know the status of their projects. He noted that in his opinion the project coordination is not as efficient as claimed by BIA/NDOT. He encouraged BIA and NDOT to establish a central filing system. He further commented that FET funds were not sufficient to fund chapter projects. Maybe FET should change criteria to include funds for getting projects to project readiness.

Thomas Bia thanked the Naschitti Chapter for their hospitality. He asked that TCDC provide updates at every meeting to better address issues at the agency level. ARCs have not been receiving reports on a regular basis.

Richard Bowman stated that the Navajo Nation should establish its own clearinghouse for road projects. Also, added that the road funds should include maintenance provision to chip seal new roads to prolong their endurance.

JC Whitehorse requested copies of the financial statements. Asked if ARC can provide.

Omer Begay commented that ARCs need to reevaluate their priority projects. He stated that some projects are still not project ready status. He noted that some of projects still lack the required clearances to even be considered for funding. He encouraged the committee to make sure that projects are in ready status.

Lorenzo Bedonie commented that TCDC should reevaluate the EA process and provide recommendations to the oversight committee. Also, chip seal set aside need to be discussed further.

Tom Platero responded that regulatory need to stay with HPD.

US491 Update

Michelle Morris, Environmental Specialist

Michelle gave a brief report on the status of the US 491 Project. Bidding for the North Corridor is scheduled to begin May 2008. Also, the South Corridor rehab project is scheduled to begin around the same time period. **Senator Pinto** added that the efforts and hard work have finally paid off. He gave a history of the project and thanked the staff, chapters and TCDC for their hard work.

D. BIA Report

Irvin Bekis, BIA-DOT Division Manager

Mr. Bekis reported on the following:

- BIA is committed to providing technical assistance where needed. IRR training available upon request. He gave an overview of the funding process.
- T21 bill redid the funding formula. Regulations available on NDOT website.
- N9010 agreement finally approved between BIA and Arizona.
- Maintenance funding being cut in half. This is a concern for the Bureau and will severely affect the maintenance program. He encouraged the committee to do what it can to restore the funding. He stated that if funding are decreased he will ask the TCDC to fund the difference until NDOT takes over the maintenance program. **Sampson Begay** added that construction cost going up which resulted in extending the 20 year plan to 43 years. This also may affect funding strategies in the future. ARC may be asked to weigh their project between maintenance and new roads. He encouraged the committee to redo their priority projects based on project readiness. The 25% road maintenance designation from the IRR funds is hurting the Navajo Nation. He stated that was the reason for cut backs in BIA road maintenance funding. Also, the committee needs to be aware that FET projects often don't have their projects at project readiness and the TCDC now has to consider changing the criteria to require project readiness. He estimated that \$50 million dollars are still at the chapters not being used because they don't have clearance to implement their projects.

Questions:

Roscoe Smith asked what impacts does BIA foresee in Safety-Lu funding for maintenance.

Irvin Bekis responded that BIA will discuss with Federal Highway Administration and will be an issue for 2010. If funding continues on a decline, BIA will not have an alternative but to ask the tribe to fund the deficits.

Willis Nez asked if the TCDC approved priority projects are verified for project readiness?

Irvin Bekis replied that priority projects are generally updated every 3 to 5 year periods.

JC Whitehorse asked if NECA had exclusive bidding rights for all Navajo Nation road projects? He commented that projects should be put out for general bidding. He echoed the same comments on FET concerns. He thought public hearing should have been afforded and get public approval before proceeding with allocation for equipment purchases.

Lee Jack asked where the White Cone MOA was at? He expressed that FET should be under CIP program.

Irvin Bekis responded that NECA had rights of first refusal. NECA is a tribal enterprise. Good contractors hard to find. He also responded to Mr. Jack's question that the MOA was sent back to Navajo Nation.

Sampson Begay commented that the TTIP will be updated soon. The US 491 project will be include the \$2 million dollar contribution.

David Rico added that the tribe should seriously consider the 638 program for all road projects and seek direct funding from the federal government. Its time the Navajo Nation stood on its own feet and maintain its own

roads. He further added that all actions and request should first go to ARCs to ensure that projects are not by-passed and keep the coordination in tact.

Jerry Bodie stated that the TCDC procedures were followed in the FET allocation to fund equipment purchases.

Lorenzo Bedonie questioned how the agreement was developed with HPD?

Irvin Bekis stated that BIA had a contract with HPD just like NECA to do all the archaeological studies and clearances. **Sampson Begay** added that HPD also doing archaeological clearances for other departments.

Calvin Castillo will give his agency report at next meeting.

E. McKinley County Updates Ernest Becenti, Jr. County Commissioner

Mr. Becenti encouraged the committees to continue to work together and resolve concerns. He stated that McKinley County works with 10 chapters and has a good with working relationship with the chapters. The county can do road maintenance for NDOT or BIA if MOA can be established. He has equipment and manpower to do so. As for current projects, he has been working with chapters in improving some county routes. MOA with Navajo Nation is still going through the tribal approval process. Willis Nez commented that he wished San Juan County worked more closely with the chapters more often.

F. HPD Report and Update Marie Denetyazhe, Program Supervisor

Gave out reports on Fort Defiance Agency projects. She will continue to provide updates.

G. Agency Reports by Committee Members Deferred to next meeting.

Willis Nez motioned to accept all the reports and second by Raymond Berchman with a 5-0-0 vote.

IX. Old Business: None

X. New Business: None

XI ADJOURNMENT/NEXT MEETING DATE, LOCATION AND TIME:

Adjournment /Next Meeting Date: Raymond Berchman motioned to adjourn meeting and second by Lee Jack, Sr., with a vote of 5-0-0. Next meeting Crystal Chapter on April 09th at 9:00 AM.