

Animals in the Right of Way (AIR) Vendors in the Right of Way (VIR) Task Team Minutes

August 18, 2011
Flagstaff Modular Training Room

ATTENDEES:

Emerson Tracey

Sharon Chief-Yazzie

Myra Rothman

Chuck Gillick

Kee Yazzie

Franklin Sandoval

Rod Wigman

Johnny Robbins

WELCOME & INTRODUCTIONS: Emerson commenced the meeting at 9:03 a.m.

GROUP DISCUSSION:

I. Introduction

- Once again Attorney Robert Allan wasn't able to attend the meeting. We're not sure how our team will be able to meet with him in person save setting up an appointment in his office.
- Emerson informed the team that individuals have expressed to him their interest in becoming a part of the AIR/VIR task team.

II. Action Item Review

- *Obtain Crash Statistics from Hopi Police*
 - We are having problems getting a hold of a contact for the Hopi Police for crash statistics. Chuck suggested that we go through the ADOT Traffic section with a request from them to the Hopi Police in obtaining crash statistics.
- *Schedule Cameron Informational Meeting*
 - The team questioned whether we should continue to schedule an informational meeting at Cameron and when. Myra suggested we schedule it until after our next meeting.
- *Develop Frequently Asked Questions (FAQ) for Handout*
 - We need to come up with FAQ that our team can distribute at meetings we present at. The task team will bring questions to our next meeting and we will finalize questions for the handout.

- Franklin brought up a question he's been asked numerous times that we can add to the FAQ list. "If I have to construct the turnout myself, why do I have to fill out a permit?"
- *Develop Draft Recommendations*
 - Henry will get the information from Roland to proceed with developing draft recommendations for minimum specifications for access roads.
- *Home Site Lease Amendment*
 - Kee stated that the Home site lease application amendment is still under review by the Department of Justice (DOJ) and it's going through the approval process which he said is a slow one.
- *Add Contact Information to Flyers*
 - Rod completed this action item and sent the file to the task team. Henry will make copies of this updated flyer for distribution at future presentations.
- *Animal Disposal Flow Chart*
 - Franklin stated that he didn't find a BIA policy stating the requirement to utilize a proper animal disposal facility.
 - We will continue to work on developing a flow chart that will pertain to branded, unbranded, and wild animals that are hit. Franklin will develop a chart with BIA's procedures and JR and Ron will develop a chart with ADOT's procedures.
 - Rod stated that when he was a Department of Public Safety officer, anytime an animal was involved in a crash, they would contact the livestock inspector and they in turn would get a hold of the owner.

III. Western Agency Grazing Meeting – July 21, 2011

- Emerson, Kee, JR, Franklin and Sharon presented Animals and Vendors in the Right-of-Way at the Western Agency Grazing Meeting on July 21, 2011 in Tuba City.
- Sharon went over the information, comments, suggestions received at the meeting as follows:
 - *Vendor's in the Right-of-Way (ROW)*
 - It was suggested that we create a slide with a diagram of the ROW so people understand what we're talking about when we say ROW in regards to BIA, ADOT and NDOT.
 - A suggestion was made that if vendors put their stands outside of the ROW, is ADOT willing to put up signs for them.
 - A Grazing Official for the Bittersprings/Cedar Ridge area said he tried to get vendors along US 89 to park behind their stands in order to improve on safety but they didn't listen to him. He also tried to get some action from the Vendors Association to implement some safety measures but they didn't respond to his suggestions.
 - Individuals at the meeting asked about the Chief Yellowhorse stand and what was going on with it.

- A question also came up that if the ROW is ADOT's why can't they put their foot down and chase people out. They also suggested that ADOT inform the Navajo Nation that they have an easement therefore it's the State's authority to do what's best for the ROW.
 - *Animals in the Right-of-Way*
 - A question was asked if ADOT allows individuals to lock the gates in the ROW. We informed them that if it's in the ROW, then it shouldn't be locked.
 - It was brought up that in the Navajo Mountain area; residents were fencing the area near the cattleguard because they didn't want trespassers getting wood, etc. They asked if BIA could request that they remove their fencing and just put up private property signs instead.
 - A Grazing Officer suggested that ADOT/BIA write a letter that they can distribute to residents regarding the utilization of padlocks.
 - The padlock issue is a problem in the Kayenta/Dennehotso area and residents can't get to houses because of it. Can ADOT do something about this?
 - It was brought up that the Navajo Rangers didn't do anything about horses in the ROW in Kayenta when they were told about it.
 - Franklin suggested that a Grazing Official signature line be included in driveway permits. At today's meeting Franklin informed us that the Bureau of Indian Affairs (BIA) is actively working on making this modification to their permits.
 - It was asked if ADOT could install sheep fence if needed. JR responded that when we are informed of an area that needs sheep fence and we find it does need it, we do our best to install it in a timely manner.
 - There were questions about the Kayenta area and when construction will be coming through in the future. They suggested that Kayenta needs an underpass because there have been too many close calls.
 - An individual asked if BIA would provide funding for vegetation control chemicals if they utilize their own equipment. Franklin said that it has happened in the past and is a possibility.
- The team suggested we add a couple more slides with an excerpt of Navajo Nation Code, Title 3, §1363 – § 1365 and a dead animal flow chart. Rod will get the graphics done for the ROW slide.

IV. *Miscellaneous Discussion*

- Chuck informed the team that he sent a letter to the Cameron Chapter informing them that the "Chief Yellowhorse" stand located on US 89 will be removed on October 3, 2011. As of this date, no response has been received. The letter gave 60 days for the removal of any building materials. The letter also stated that ADOT is willing to assist in installing turn lanes and/or signage for approved, permitted vendors if officially requested from the Chapter. Chuck is also going to request that the ADOT

Traffic Section put up signs that state that there is no vending allowed. The reasoning behind ADOT's action is that there have been a number of State documented crashes and/or fatalities at this location. A copy of the letter was also sent to the Attorney General's office.

- Chuck informed the team that there will be a paving project in the Cedar Ridge area in 2013 and the discussion has come up regarding what is to become of the paved turnouts where vendors are setting up along North US 89.
- Kee stated that at the Many Farms Chapter Meeting our team attended, the Navajo Nation (NN) Speaker promised to do what he could to assist us. Kee suggested we go through the NN Speaker and have him assign someone from the NN Department of Justice (DOJ) who can assist us with our questions.
- Kee said one question we should ask the lawyers is who has jurisdiction inside and outside the ROW on BIA or ADOT ROW.
- Emerson will look into getting a space at the 2011 Navajo Nation Fair for our team to set up and provide information.
- Emerson was wondering if we would be in our best interest to meet with New Mexico DOT to possibly get someone on the team. The team agreed that this is something to think about once we know that we have the support of the partnership in doing so.

ACTION ITEMS:

The action items were sent to the Task Team via electronic mail.

CLOSING COMMENTS:

Our next meeting is scheduled for October 13, 2011 at the ADOT Flagstaff District Modular Training Room.

The meeting adjourned at 11:12 a.m.

**AIR/VIR Task Team
Action Items
August 18, 2011**

Action Required	By Whom	Due Date	Status
❖ Obtain crash statistics from Hopi Police	Rod	Pending	Pending
❖ Set up a location for the Cameron Informational Meeting (when date is decided)	JR	After Next Meeting	On Hold
❖ Come up with Frequently Asked Questions, send to the team & bring to Oct 3 rd meeting	Task Team	Next Meeting	Pending
❖ Work on and send draft recommendations to the team for comment and review	Roland/Henry	Pending	Pending
❖ Create dead animal (branded, un-branded, wild) flow chart	Franklin, JR & Ron	Next Meeting	Pending
❖ *NEW* Request letter from ADOT Traffic Section to Hopi Police for crash statistics	Chuck	8/26/11	Pending
❖ *NEW* Look into getting a space for our task team at the Navajo Nation Fair	Emerson	8/2/6/11	Pending
❖ *NEW* Find out when the Chinle Agency Grazing Meeting is and inform the team	Franklin	8/26/11	Pending
❖ *NEW* Make color copies of updated flyer	Henry	Next Meeting	Pending
❖ *NEW* Create ROW diagram to use in a PowerPoint presentation	Rod	Next Meeting	Pending
❖ *NEW* Add ROW diagram, NN Title 3 excerpt, and dead animal flow chart slides to our current PowerPoint	Sharon	Next Meeting	Pending