

Tucson, Arizona

PRESENT AT THE MEETING WERE: Simkin and Johnston, Mediators;
For the Hopis: Abbott Sekaquaptewa, Emory Sekaquaptewa, Nathan
Begay, Stanley Honahni, and John Kennedy; For the Navajos:
Mary Lou White, Howard Gorman, Sam Pete, Wilson Skeets, and
Ray Gilmer.

The Mediator opened the meeting by saying that we all had an opportunity to report to our respective teams as to what has happened. He said, "Just let me summarize and mention that the Department of the Interior has given us a half-promise to let the parties know about the 250,000 acres up around Pariah Plateau and House Rock Valley, by June 1." He mentioned also that the Navajos had given the Hopis a new map in Washington and that the Hopis had had an opportunity to review it. Sam Pete then commenced a rather lengthy monologue where he mentioned a number of things that concerned him. He said that the map we had been given represented a few changes but that his Committee wasn't familiar with most of them. He said that the map represented a lot of work by his team and also the land dispute commission. He said, "We are dealing with uneducated and deprived people that have poor health facilities, poor roads, and homes." It took a lot of persuading to ~~xxx~~ convince the Indians that the Tribes should work this problem out rather than have the courts impose a solution. He said that the younger people seem to have accepted this, but the older people frowned on the idea of moving. He said we want to minimize the hardships on our people. He mentioned also that they had gone to House Rock Valley and had taken a bus load of people up there and had tried to sell them on the idea of moving up there. He said

03-
910897M

He said that one other thing that was of concern to him was that the Navajos and the Joint Use Area were being blamed for damaging the range land. He said that the blame was cast in the wrong direction. There are no economic opportunities in the Joint Use Area, the area has become uninhabitable. The Federal Government has made no effort to bring about range conservation and the Navajos have been prevented now from developing any industry. He said the people have to make a living and the only thing they can do is through livestock which means everything to them. He said he wanted the Hopis to help the Navajos go after the United States Government to get release from range distruction. He said certain claims have been made by the Hopis against the Navajos for money damages and we would like to work out a solution to those calaims as well. He said there is joint water development authority in need along with everything else so that we can avoid some of these problems like what has happen around Moencopi. Then I questioned them about that, I said that Moencopi envolved the Hopi development and this was Hopi water being used on Hopi farms, the only claim the Navajos had there was just by encroachment like everything else. Stanley said that he thought that the Navajos might obtain a right to use the water other than in the winter if they were willing to live by the Hopis rules--~~Moencopi~~ Wash. Samuel Pete said that we need similar rules for the Joint Use Area and Abbott said that we do not want to go into detail on all these matters we can take your example of Moencopi for what it is and we could ^{cite}~~sight~~ similar examples in the Joint Use Area where the Navajos have prevented the Hopis from farming, particularly ~~the~~ the Dinohaka Wash. Sam Pete said that the Navajos

in their Tribe, things are done by persuasion, rather than by force. The Navajo proposal that was presented in Washington was one which is for discussion purposes and is subject to being changed. He said other matters need to be discussed in addition to land. He said, "We've got to talk about acquiring lieu lands and some moneys. So the Navajos want to relocate a minimum amount of people." He said that, "We are optimistic that we can go forth and arrive at a solution. We want life estates for the unwilling people who don't want to be relocated particularly the elderly." He also said that perhaps they could work out some kind of a lease arrangement. He wanted a joint Navajo-Hopi amendment to the statute which would provide money for acquiring this additional land. He said that Abbott and Kennedy had indicated that the Hopis would help them on this matter. He then added that it is time that the Tribes get together to solve this problem. He said we ~~XXXX~~ should identify our sacred places, burial plots, etc. Those should be identified and preserved.

have not understood this joint use concept and they thought it was their land. Abbott said well pleading ignorance does not really justify anything. I said well one other thing we should point out to you is that when Abbott and I were in Washington we said that we would talk to our committee about helping the Navajos get legislation and we thought if there was something in it to benefit the Hopis that they would be willing to work with the Navajos and try to accomplish that. Then I noted the objections that we had to their proposal which was given to us in Washington. Specifically, we said that the land is set up by the Navajos was really not usable. We couldn't get to it, it was too hard to fence, couldn't prevent theft, and the Navajo people couldn't live in the small areas that have been singled out to them. Gorman said if we had a ^{live} ~~live~~ ^{lifestock} association we could solve alot of this over grazing problems and then I presented the Hopi proposal for a swap ^{ent} ~~ent~~ ^{on these} red areas and indicated that we thought some of them were compromise and other areas we didn't see as a big dismutte, particularly around Komi, Mesa, maybe

03
264 39'

up on Red Lake. We indicated also if they wanted to we could give them some idea as to which areas we thought acceptable to us and which areas were not acceptable. There are other areas I said. Then Sam Pete said what are the Hopis willing to give up here. The Hopi should take a step on the quality of the land and be willing to give up on the quality. We pointed out that the proposal that they gave us presented a striking difference in the quality giving the Navajos all the better range land and giving us all the up lands. I answered the question about what are the things we could give up by saying that there were lots of things we could discuss such as time and money that worked to the advantage of both people. Samuel Pete said the Relocation Commission and the money has to be appropriated before we can really do much. The Mediator said the Relocation Commission is being worked on and we expect an answer in a few days, also money is in a supplemental bill and they are working on that and the 250,000 acres for the Navajos is in the mail hopefully by June 1. Then I pointed out that we were advised by our friends that there was no pressure on the hill as far as the supplemental bill and also there has been nothing to OMB to get anything through on that, so we really questioned whether anything was really happening. We also suggested that it has been three weeks since he last reported to us that the Relocation Commission was about to be appointed and it still hasn't been appointed. We then mentioned that the Navajos are in position here that if they would like to solve some of their problems, get their schools built, and their industries put in that they could make agreements with us and get going. Abbott said that if they would present an acceptable line which may not be entirely satisfactory, but

nevertheless acceptable to us; we could make some progress in some of these other areas. If we had a boundary then we could talk about a firm arrangement, for example around Pinon. Sam Pete repeated that he would like to take from the Pork Chop proposal a green area around Pinon and just say that's Navajo and give us an equal area anywhere and the yellow area from the Washington D. C. proposal. We discussed briefly some of the past history regarding the dispute and also discussed the desire of the Hopis to get this thing moving and our concern that we don't have people that are at home that will be willing to accept the kind of proposal that they presented that any ultimate solution had to roughly equal in terms of the area and in terms of the quality. Sam Pete ended the meeting by saying that he would consider the red areas that were shown on this Hopi-Swapi proposal to determine whether their committee could commit to say that those would become Hopi. We adjourned at that point until 10:00 a.m. tomorrow morning.

701-A

NOTES ON JOINT MEETING DATED MAY 20, 1975
AZTEC INN, ~~ALBUQUERQUE, NEW MEXICO~~ *Tucson, Arizona*

PRESENT AT THE MEETING WERE: Simkin and Johnston, Mediators; John Kennedy, Attorney; For the Hopis: Abbott Sekaquaptewa, Nathan Begay, Stanley Honahni, and Emory Sekaquaptewa; For the Navajos: Mary Lou White, Howard Gorman, Sam Pete, Wilson Skeets, and Ray Gilmer.

The meeting opened by the Mediator saying that after yesterdays discussion he had called under Assistant Secretary Kyle; and that our guess was correct that nothing had been done by the Department of the Interior with respect to trying to get funds required, that the Department did indicate that they were working on it. However, we are going to do something about. They committed Simkin that they would do something about it. They said that when they did make their request for funds they were going to ask for the full amount and not to do it in a peaceful fashion. These are the funds that would be used by the Navajos for relocating their people. He said included in the supplemental request is a amount for the \$19.34 litigation, but there hasn't been anything done that he knows of at this point with respect to the monies for technical assistance in the negociation. Kyle was going to check this out and report in a few days. The relocation commission is supposed to be announced today. I commented that the Department of the Interior would do nothing unless they were forced to do so and that it was up to the Mediators to be on their backs almost all the time in order to get anything done. Sam Pete then said that they had looked at the proposal that we had submitted to them yesterday and they felt

that they would agree with some of it not all of it. Then they presented a proposal to us in response to it. Basically they chopped off a little land around the Red Lake region. They included the entire coal mine Mesa area as shown and down around Sand Springs and Tolony Lakes they also rearranged and chopped off some of the lands that we had pointed out to them there. Abbott and I commented at that point that they had a grazing problem in the small areas where a large number of people would be on few acres and they couldn't possibly raise sheep, so they would have to relocate. I said what they ought to do is to consider the fact that what we had considered, that is if people were to move just a few miles they would get all of this money and it would be a pretty good deal for them. They seem to agree with that, but didn't really comment one way or another. We told them that we would go up and discuss this counter proposal with our committee and then report back to them. We reconvened and Abbott returned the Navajo map to them and presented the Hopi proposal regarding Pinon School. Sam Pete said that they were concerned about other developments in addition to that school up in the Pinon areas. Specifically, hospitals, clinics, housing, water, and power. Abbott said that this was our proposal and we could consider others if they wanted to suggest them to us. Sam Pete questioned our power lines inside the Hopi area and wondered whether there were any fees that were due. We told them that we didn't think there were. He also said that he had to talk to the school principal and expressed his concern about moving people out of the area around Low Mountain. Mary Lou White said that they had been explaining to their people the problems and that the Hopi traditionalists have been causing a lot of confusion and trouble for them. They wish we could do something to alleviate

that. Then we went pback and forth for some time talking about the proposal and whether this really was hard on them or not. We said that there were not that many people there and they said there were alot of people there. We added that they wanted to move up to Pinon anyway when the school was completed so it wouldn't really cause any hardship on the people. There was a development up there and they could have money and move up to where the new housing would be. They said that they would consider our proposal. They were not really sure whether they could ~~com-back~~ it, but that they would talk about it.

come back on
Samuel Pete talked about the list of needs that the Navajos were in need of satisfying. He said that they had tried to contact some of the people back in Window Rock on the reservation and they couldn't get ahold of anybody. The projects that they specifically identified in need of development are schools, housing, power lines, water lines, sewer lines, community roads, current existing homes, telephone lines, offices for community services, rights of way for various power lines, and industry development. They said that Pinon had a plant for community development that they have established and that there is a similar plan for White Cone, Kitsely, and Hard Rock. We then discussed the possibility of making some accommodation on this point and talked about our Red Cross Hatch area. They indicated that the Red Cross Hatch area all the way down to Gum Point would be acceptable, but the rest of the Red Cross area east of that would not be acceptable. We told them that we would review this with the committee and get back with them in about 45 minutes.

S U M M A R Y

701-A

OF

MEETING MAY 21, 1975

Agate Inn Tucson, Arizona

PRESENT WERE Simkin and Johnston, Mediators; For the Hopis: Abbott Sekaquaptewa, Emory Sekaquaptewa, Nathan Begay, Stanley Honahni, and John Kennedy; For the Navajos: Mary Lou White, Howard Gorman, Sam Pete, Wilson Skeets, and Ray Gilmer.

The meeting opened on the 21st by Kennedy presenting the modification of our proposal with Red Leg, Sand Spring, the modification of Tolony Lake area, and Low Mountain going to the Navajos with Pinon only housing development no school development. Then we presented the measles proposal which we called the area down near White Cone and it said that we would agree to have a power line go in to White Cone. They asked some general clarification questions about what we had agreed to and then we talked about some of the other matters such as the Joint Water Development. They mentioned the Arizona Water Shed Commission and whether this had any effect. We discussed the mineral development briefly and then we came back to this Pinon School trade off. Basically, we said that since their proposal took out Low Mountain, then we were not willing to go along with the business of the school being developed. The way they saw it they wanted to change it so if we wanted the land we were talking about, we would have to agree to the school. So we just went around on that point and basically said that we couldn't agree to their school development. We could agree to the housing development. Then we talked quite abit about the statutory requirements of quality and continuity and said that in looking over the map and evaluating the range associations, the water shed, and the range condi-

tions, that we were really coming out with the "short end of the stick" as far as representative quality. We thought it should be balanced out and that we were concerned about this. We recognized that it had created some problems for them because it meant that alot of people had to be relocated. We went back again to the Pinon matter and the school. We discussed that at some length. We talked about the numbers of people living down around the springs down in the southern part where Horse Spring is and Rainbow Spring. They said that we are not paying attention to where the people are and we said that yes we are, but we got to recognize that we have got a balance off this problem that we have with the numbers of people with the quality of the range, soils, and that type of thing. Then again we came back to the question of this Pinon School and they are really anxious to have that developed. They are also concerned about the lack of Hopi willingness to move along on that point given the school. Abbott then reviewed the sequence of the proposals. First of all we presented the line and said that they could build a school. The Navajos then said well we don't want you to have the Low Mountain area in addition to that we have got alot of other things that we are thinking about. So we came back and said, well if you don't want us to have the Low Mountain area then we will not give you the school, but we will let you keep the line and let you have a housing development. Sam Pete said he thought they should start chopping off other parts of this line that we were talking about before. I said that we were not forever closed on the idea of their developing that school,

but that we would agree that if we we are talking about a different piece of land that we could go along with maybe that school development, but we would have to discuss it with the committee and come with some kind of a further proposal on that. Ray Gilmer said that we would take back our most recent proposal and review it and be prepared at our next meeting to come with a recommended counter proposal. We said if they would do that we would also give some thought when we had received our counter proposal we would be prepared to respond quickly with our own proposal. We then adjourned briefly while we were waiting for Lynn Montgomery to come down and report some material to us.

RECONVENED

May 21, 1975

PRESENT FOR Navajos were Andrew Bonalie who was an assistant to Wilson Skeets, Larry Ruso, Ray Gilmer, Mary Lou White, and Mr. Gorman. For the Hopis were Kennedy, Abbott, Emory, Nathan, Stanley, George, Ossifoti, and Ray Coin. Johnston, Simkin, and Lynn Montgomery were also in attendance.

Lynn Montgomery presented some updated information by Quartergods and indicated that he would mail out copies of this information to each Tribe. Sam Pete came in to the meeting a little later. Questions were asked regarding livestock production of Mr. Montgomery, he said that a restoration program was submitted in February to Washington for approval and funding, that it would be amendments to the 1976 funding and not to 1975. If they have not made any request for funding. No livestock production program was now in operation and they have a target date of July 1, but it appears that they are not going to make that because we are depending on funding. Sam Pete asked what Benjamin had done to get the funds and Montgomery said that nothing except for submitting the plan in February. Sam Pete asked if the JUA Field Office had checked the water and carrying capacity in the House Rock Valley area and he said he could do that. We asked other questions regarding the livestock reduction and Montgomery said that he was under the impression that it was a voluntary program. We told him that it was not correct and that he had better his sources if he is relying on that. Then we discussed our next meeting and agreed to meet in Phoenix on June 9, at 10:00 a.m. We will meet 2 1/2 days in Phoenix. Then we adjourned.

Previous discussion of minutes followed.