

CLARIFYING STATEMENT OF POLICY AND
PROCEDURE FOR THE NAVAJO SERVICE

General Statement

The Memorandum of Understanding between the Bureau of Indian Affairs and the Soil Conservation Service established the basis for the integrated planning and execution of the Navajo land-management program. The program embraces the conservation of soil and moisture; range-, farm-, woodland-, and wildlife-management; irrigation, road construction and maintenance; education in its land-use aspects. It demands unified participation by all agencies of the Indian Service, the Soil Conservation Service, and, insofar as possible and practicable, the dependent population.

The need for an integrated program and a unified effort and organization were early recognized and stated in the "Unified Navajo Program", approved in April 1936, by the Chief, Soil Conservation Service, and the Commissioner of Indian Affairs. It was there stated:

"The essential need of Navajo administration is the integration of Indian Service and Soil Conservation Service activities to accomplish Indian economic rehabilitation through range restoration and the development of agricultural and other resources. This aim can be achieved only by fusing the activities and aims of the two groups. This fusion requires complete team-play by the two Services, continuous joint staff work by the two groups, the elimination of conflicting policies and activities, the wholehearted acceptance by both groups of their full share of responsibility for soil and water conservation, range restoration, stock reduction, and agricultural and economic development. A complete grasp of the elements of this policy is essential to an understanding of the type of administration required to carry it out."

The brevity of the Memorandum of Understanding with respect to certain questions affecting the unified program, experience indicating the necessity of more systematic procedure, and recent changes in Soil Conservation Service organization require at this time a supplemental and clarifying statement.

The principal phases of a land-management program - policy making, planning, operations, and land-use administration - are interdependent. Policies, for example, without alteration in their

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basic soundness, require amendment from time to time to meet changed conditions. Administrative action may necessitate revision of plans and the shifting of operations. The orderly process may be disrupted by unforeseen budgetary limitations. However, in order to insure integrated action at all times, the following propositions are set forth as guiding principles:

Policy-Making:

The formulation of policy is a joint obligation of both services. Responsible heads of the two services should meet immediately and from time to time hereafter to restate the policies underlying the program and to map out the strategy required to meet changing conditions. General administrative policies are often of as much mutual concern as those relating primarily to land management and conservation. Policies relating to stock reduction, enforcement of regulations, land tenure, land-use, and related problems should, to the greatest practicable degree, be the subjects of prior discussion and agreement between the two Services. Each should avoid, whenever possible, independent discussions and decisions likely to affect policy, planning and operations, and both parties will keep each other currently informed on all important administrative actions taken by them bearing upon the land management program.

To promote concerted action in carrying out the land management program and in order that constant understanding of the joint problem shall be achieved, bi-monthly conferences will be held by the General Superintendent and the Director of Land-Use Administration representing the Indian Service, the District Manager and his Division Assistant on the Navajo Reservation, representing the Soil Conservation Service, and the Coordinator of Construction Operations, at which meetings all matters of land management plans, policies, and activities will be discussed and all projects submitted for approval. A written record of the proceedings at such meetings will be maintained, a copy of which record shall be furnished the Regional Conservator in order that he may be assured of complete understanding of the program and lend assistance to its execution.

Planning:

It is recognized that planning is not a static process and that plans must not be crystallized so far in advance of operations and administration as to be inarticulate with action. It is also recognized, however, that an action program is most effective and sound when it operates within a framework of well conceived and carefully considered plans. To this end written

plans are essential and in their detailed form are prerequisite both to management and construction operations. The requirement of written plans need not, however, and should not, preclude the verbal discussion of the significance of basic material, current developments and administrative considerations - discussion which has an important place in planning and should be accorded constant recognition.

Planning includes all activities leading toward the initiation of construction operations or a definite line of action in the land management program, and as so defined may be divided into two phases: (1) land management planning, and (2) preparation of work plans. This statement is primarily concerned with the former.

The basis of land management planning lies in the integration and synthesis of available information into a framework which will provide for a sound program of land use. The first step is the collection of basic data covering, insofar as consistent with practicable needs, the entire field of land management. The next step is the analysis and interpretation of these data, giving due consideration to the relative importance of the various factors. At this stage there should be a definite consideration of existing and proposed policies which may affect the action program. The final step includes the preparation of plans for action.

Land management plans for the Navajo Reservation will be the primary responsibility of the Soil Conservation Service. In addition to an overall plan for the Reservation, this responsibility will include more specific plans for each land management district and the collection and compilation of such additional material as may be required for each approved project. The Soil Conservation Service Division Assistant at Window Rock will be responsible for the preparation of these plans and the collection of this material and no individual or agency of either Service will undertake independent surveys or plans except as previously authorized or directed by the Division Assistant.

The completed plans will be prepared for the signature of the Regional Conservator and the General Superintendent, or their authorized representatives, and after signatures are affixed such approved plan will become the basis for operations and administration. In general, plans for complete land management units and others of an overall nature require the signature of the Regional Conservator, Soil Conservation Service. Plans for specific areas and projects within larger units will be approved by the District Manager.

Changes in written plans shall be made only with the written concurrence of the District Manager and the General Superintendent or their authorized representatives. After final approval of the plan such additional copies of the plan, with its accompanying maps and charts, shall be prepared as are considered to be reasonably necessary for proper execution of the plan.

Organization:

In order to accomplish the land management program on the Navajo Reservation, unified authority and responsibility are vested in the General Superintendent. He is responsible for the integration of all Reservation activities, including health, education, and law enforcement with the land management program. Without relinquishing his broad administrative authority he will, however, recognize the District Manager's special responsibility for the Soil Conservation Service personnel and funds, and for the execution of a constructive program covering a larger watershed unit, of which the Navajo and Hopi Reservations are but a part.

The District Manager is vitally concerned in the success of the Navajo Program. He will give it primary attention, and under general regional direction will represent the Soil Conservation Service in joint action with the General Superintendent, meeting problems as they arise and effecting integration. In the discharge of this responsibility the District Manager will be assisted as follows:

a) By a Division Assistant on the Navajo Reservation who will be in active charge of the Navajo and Hopi Division of the Navajo District, to whom the District Manager will delegate appropriate authority and responsibility. Within the limits of such authority, the Division Assistant will represent the District Manager in his relationships with the General Superintendent. Mr. John H. Provinse is designated as Division Assistant.

The Division Assistant will have a technical and administrative staff which will give its entire time to the Reservation, except as unusual circumstances require temporary details to other duties. This staff will consist primarily of a range technician, a soils technician, an engineer, a socio-economic technician, an administrative assistant, a planning assistant and erosion control practices representative, and one work planning party comprised of range, soils, agronomy, and engineering technicians. The Navajo District staff, located in Gallup, will give technical direction to the Soil Conservation Service personnel on the Reservation, lending the maximum practicable assistance in furtherance of the land management program.

b) By an Engineering Coordinator who will be responsible to the District Manager or his authorized representative, but who in consultation with the General Superintendent and members of his staff will act as coordinator of the Soil Conservation Service and Indian Service construction activities on lands administered by the Indian Service. The Engineering Coordinator will see to it that execution of work, both Soil Conservation Service and Indian Service Engineering Divisions, is in accordance with approved construction practices and plans. He will seek staff consideration when and if there are proposed changes in plans, and will assist in bringing about the most effective integration of all engineering and construction activities.

Mr. C. Wayne Wright is designated as Engineering Coordinator. Such additional personnel as may from time to time be required to assist the Coordinator on the Reservation will be assigned by the District Manager.

ORGANIZATION AND OPERATION OF
LAND MANAGEMENT DIVISION

As set up in the Unified Navajo program the functions of the Land Management Division are:

1. Organization and direction of investigations; surveys, and planning for the whole land management program.
2. Supervision and execution of all construction and engineering activities (including Irrigation, Roads, CCC-ID and SCS projects).
3. Administration of all land use activities and natural resources, including Range Management, Forest Management, and Farm Management.

The work of the Land Management Division recognizes two major phases: (1) land use planning, and (2) land use administration, (3) construction operations.

Surveys and Plans

The Planning Division is under the supervision of the District Manager for the Navajo District of the Soil Conservation Service, and has the specific responsibility of developing land management plans for the entire Reservation, and for each land management unit. The Soil Conservation Service will furnish personnel, equipment, and otherwise provide facilities for land management surveys and the preparation of reports and plans based on such surveys. These surveys will include all phases of soil conservation and land management, such as Range Management, Woodland Management, Farm Management, Wildlife Management, and may include the collection of such other basic information on soils, erosion conditions, hydrologic and other engineering data, vegetative conditions, etc., as shall be necessary for adequate planning.

All requests for special surveys, studies, or information, such as soils analyses, etc., in connection with engineering work shall be submitted to the Engineering Coordinator, Mr. Wright. Requests for other types of surveys and studies shall be routed to the Navajo Division Assistant, Mr. Provinse.

The Soil Conservation Service will conduct socio-economic surveys and such special studies and investigations as shall in the opinion of the District Manager and the General Superintendent

be reasonable and necessary for effective land management plans. Such special studies will include, among others, problems of range, farm, and woodland management, studies designed to evaluate the use of the demonstration areas established on the Reservation and to formulate a program for their increased usefulness, economic studies of Navajo dependence on resources and the economic ability of Navajos to cooperate, problems of population growth and concentration, sociological studies to disclose mechanisms of Navajo social organization that can be utilized for securing participation in the land management program, or to uncover factors of opposition to the land management program and suggest means for dealing with them.

To as great extent as possible the personnel responsible for this work will confine its activities to securing, compiling, interpreting, and presenting basic socio-economic material, but will assist in administrative work to an extent compatible with its primary obligation and whenever critical situations require immediate administrative participation.

Administration

The Division of Land Use Administration, under the direction of H. E. Holman (Indian Service) is responsible for the administrative phases of Range Management, Forest Management, Farm Management, and Extension throughout the entire Reservation. The Director of Land Use Administration is responsible for the proper functioning of all Land Use Administration sections and the activities of the District Supervisors and their aides.

Administration of Land Management Units:

Each land management unit will be under the administration of a supervisor who is administratively responsible to the Director of Land Use Administration for all Land Use Administration and operations within his district. All such personnel as range aides and farm aides permanently assigned to a district are administratively responsible to the District Supervisor. It is the responsibility of the District Supervisor to keep the Indians informed on all phases of the land management program, to explain the various tribal and governmental regulations, to develop local responsibility for the maintenance of such community projects as range water developments, farm improvement, livestock organizations and the cooperative handling of farm products and livestock. The District Supervisor is also responsible for handling all reimbursable funds within his district.

The District Supervisor will make all contacts with the local Indians for the purpose of securing local approval of plans

and the cooperation of the Indians in carrying out the program. The Indians will be encouraged to make the greatest possible contribution in labor, materials, or other aids to the carrying out of the program. Through their work for the human welfare of the Indians the District Supervisor and other members of the Indian Service will have available information relative to employables and will furnish such information as is available in order to secure a desirable distribution of employment. In order to provide a uniform wage scale for Indian laborers the agencies will adjust their wage scale and schedules of work hours as nearly together as regulations will permit.

Range Administration:

This phase of the program can be broken down into:

1. Administration of range use.
2. Range Improvements.
3. Demonstration Areas.

Administration: Range administration will be carried out by the Range Management section of the Division of Land Use Administration. This section is responsible for the administration of range management plans (prepared by the Range Management section of Soil Conservation Service), stock improvement programs, establishment and maintenance of ram pastures and the dipping of sheep. All Extension stockmen (Indian Service), Range Riders (Soil Conservation Service) and the range technicians (Soil Conservation Service) will be assigned to this section.

The Indian Service will be responsible for all expenses incident to proper range use administration. However, in order to effect proper land use on the Reservation as rapidly as possible and until the Indian Service is able to make necessary budgetary adjustments to permit it to assume the complete burden of proper range use administration, the Soil Conservation Service will furnish Range Riders and technical assistants as specified in the detailed annual statement provided for under section C (6) of the Memorandum of Understanding. The Soil Conservation Service will also furnish transportation and travel expense for technical men assigned to this section and will furnish horse feed to maintain necessary horses for each Range Rider.

Range Improvements: Stock water development, maintenance, and other range improvements necessary for the proper management of livestock are primarily a responsibility of the Indian Service, and should be given high priority in the work program. Emphasis at the present time should be placed on the proper maintenance

of existing water supplies, but additional developments as provided for in the general Range Management plans prepared by Soil Conservation Service should be undertaken as rapidly as possible on the basis of the priorities indicated. The Soil Conservation Service may cooperate in the water maintenance program and may also either cooperatively or independently construct surface water tanks, including the necessary trough, pipe, fence, and other essentials necessary for the protection of the watershed, tank, and livestock.

Fences to enclose buck pastures and other fences essential to proper range management may be constructed and maintained by any of the agencies having funds available for this purpose. Fences for the protection of farms from livestock or for the protection of such Indian Service activities as hospitals and agencies will be constructed by the Indian Service from funds available for this purpose, except that fences to enclose areas for demonstration or erosion control purposes may be constructed with Soil Conservation Service funds. Fences surrounding schools may be constructed by the Soil Conservation Service for demonstration or erosion control purposes; fences merely to enclose the school yard will be constructed by the Indian Service.

Demonstration Areas: In accordance with Clause A-3 of the Memorandum of Understanding the Soil Conservation Service will maintain and operate erosion control and livestock demonstration areas on the Navajo Reservation. The purpose of these areas is to demonstrate proper management, including livestock handling and animal husbandry practices. These areas will also provide a means for checking forage acre requirements and will serve as demonstrations of erosion control. In order to effectuate this program the Soil Conservation Service will retain administrative control of the following areas and such additional areas as may be agreed upon by the two Services in the future:

Cove	Steamboat
Kayenta	Mexican Springs
Ganado	

The Soil Conservation Service will furnish all technical and supervisory personnel and laborers, all expendable materials, such as salt, supplemental feed, marking tags, etc., and, except such expenses as may be borne by the Indian cooperators, will pay all expenses incurred in lambing, herding, shearing, and other operations incident to management.

The following fenced areas on the Reservation will be made the subject of an early discussion to determine disposition and future management:

Mariano Lake	Moenave
Chilchinbitoh	Piute Canyon
Frazer	Klagetoh
Canyon de Chelly	

Forest Management:

The objective of the Forest and Woodland Management program is to secure and maintain maximum watershed protection, and, consistent therewith, achieve proper utilization of timber resources. It is the specific aim of the program to prevent further over-utilization and concentration of cutting on the more accessible areas, to provide for the reproduction of woodland and timber stands, and to place the entire area on a sustained yield basis through proper forest practices. The section of Forest Management in the Land Use Administration Division, working in accordance with approved general land management plans and policies, and under specific forest and woodland management plans, will carry out a program of forest management and protection.

Extension and Farm Management:

This section has the responsibility of carrying out an extension and farm management program in conformity with the general land management plans. Its activities include the supervision of all farm operations carried on by the Indians themselves and the application and extension of sound conservation and cropping practices to Indian agriculture. All personnel previously assigned to specific farm projects have been assigned to this section.

Personnel in the employ of the Soil Conservation Service Section of Agronomy will lend technical aid on farm land whenever necessary in carrying on a soil and moisture conservation program. Soil Conservation Service personnel assigned to Land Use Administration will supervise farm operations in order to assist in the accomplishment of proper soil and moisture conservation.

Wildlife:

The section of Wildlife Management is responsible for furnishing technical advice and assistance in the formulation of a wildlife management program and in the control of insects, rodents, and predators where such work is essential to proper land use. In most instances this work will be carried on cooperatively with the

Section of Farm Management and the Indians concerned. A more comprehensive program may be carried out through cooperation with the CCC-ID.

Construction Operations

The construction operations in the Land Management Division includes all operations carried on by Indian Irrigation, Indian Service Roads, CCC-ID, and Soil Conservation Service within the Navajo and Hopi Reservations.

The general rule of operation among these agencies will be for each agency to carry on its own projects independently and to pay the salary and expenses of, and furnish transportation and equipment to, its own employees. There will, however, be times when the needs of the land management program will be served to better advantage through the pooling of personnel and facilities. In cases where one organization has labor or materials or equipment available and cannot complete a given project without assistance and the work can be furthered by the pooling of resources on authorized work, an informal agreement indicating the personnel, materials, and facilities to be furnished by each agency will be prepared for the approval of the Engineering Coordinator. These agreements, when signed by the Coordinator and the representatives of the agencies concerned, will be the authority for carrying on the cooperative work.

Irrigation: The Irrigation Section is responsible for the drilling and maintenance of deep wells, the construction, operation and maintenance of irrigation projects, and the subjugation of land for agriculture.

Roads: The Roads Section, through the General Superintendent, has the responsibility for maintaining proper relations with the Bureau of Public Roads, the location and construction of all major road projects and bridges, and the maintenance of all roads, bridges, and truck trails which form a part of the Reservation road system.

CCC-ID: The CCC-ID is a general work agency with considerable latitude for carrying on various types of construction operations. Much of this work is on a more or less cooperative basis wherein other sections participate in furnishing technical assistance, supervision, and materials. The field of operations for CCC-ID includes range water development and maintenance, construction and maintenance of truck trails, forest protection, range and farm improvement, and erosion control work throughout the Reservation.

Soil Conservation Service: The Soil Conservation Service will carry on authorized erosion control and soil and moisture conservation operations on and adjacent to farm lands, on range lands, and on forest and woodlands as provided for and in accordance with the provisions of the Memorandum of Understanding. These activities include, among others, the following: control of gullies and head cuts, plantings for wind and water erosion control, desilting devices, water spreaders, range water developments.

SPECIAL ADMINISTRATIVE CONSIDERATIONS

Equipment - General.

Heavy and small equipment, when available, may be loaned between agencies. If property loaned by one Service is lost or damaged by an employee of the other, the head of the borrowing agency will take administrative action to secure proper accountability for the property or reimbursement of its value to the loaning Service. The individual borrowing equipment will make property returns in accordance with the regulations of the loaning agency whenever requested.

Heavy Equipment. Where equipment is loaned to one agency by another, the borrowing agency will furnish fuel, oil, anti-freeze, tires, and other items. The borrowing agency will make necessary repairs not to exceed the limitation of the agency loaning equipment. The borrowing agency will return equipment in as good condition as borrowed, ordinary wear and tear excepted (regulations preventing the over-haul or renewal for return to loaning agency). For short time loans a property receipt may be prepared to cover the loan; long time loans will be handled on the regular loan of equipment form.

Small Equipment. The loan of small equipment will be handled on the basis of a properly executed property receipt.

Automotive Repairs. The Indian Service maintains a number of garages on the Reservation to which Soil Conservation Service automotive equipment may be taken for maintenance and minor and emergency repairs. Minor repairs are defined as small repairs or adjustments requiring few, if any, parts. Emergency repairs will be considered as repairs which are necessary to put the equipment back in operation after a breakdown. The Indian Service will be reimbursed for repairing Soil Conservation Service equipment on bills presented covering the work done, which bills shall be based as nearly as possible on costs of materials and labor, plus overhead. In order to maintain adequate control of automotive repairs to Soil Conservation Service cars, all work on which the estimated cost is in excess of \$10.00 must be approved by the SCS garage foreman at Gallup. Both Services maintain garages at Gallup, and no interchange of work will be undertaken in that vicinity.

Both Services maintain supplies of gasoline and oil at various points on the Reservation. These supplies are available to either Service and reimbursement will be made in kind when furnished to equipment of the other Service.

Telephone Service. The telephone system on the Navajo and Hopi Reservations is maintained by a system of telephone toll charges to the different agencies participating in this service. If a member of either agency originates a telephone call at a station where it can be charged the agency to which the employee is attached will pay for the call. If, however, the call originates from a station where it can only be handled as a collect call the agency accepting the call will be charged for the call.

Drafting. Where drafting, blue printing, and photostatic facilities of one agency are made available to the other, reimbursement will be made to the agency furnishing the service on the basis of the actual cost. All such services must be approved by the responsible head of the unit concerned and must be covered by a purchase order where necessary. Maps, prints, and charts within reasonable quantities which relate to land use on the Navajo Reservation, the original tracings of which were prepared by the Soil Conservation Service from surveys and investigations made by members of that Service, will be furnished the Indian Service upon requisition without cost.

Forest Products. Lumber and other timber products supplied to Soil Conservation Service for work on the Reservation by the Indian Service sawmill will be furnished at the same cost as that furnished to various Indian Service agencies, a schedule of which costs is on file in the Soil Conservation Service procurement office and the U. S. Indian Service sawmill office.

Housing and Office Facilities. In accordance with the terms of the Memorandum of Understanding the Soil Conservation Service will reimburse the Indian Service for utilities and services appertaining to offices and houses provided for personnel needed in carrying out this program. The rate of reimbursement for such utilities and services will be determined by the proper representatives of the General Superintendent and the District Manager, and will be approved by them.

Hopi Reservation. Insofar as land management policies, plans, or operations on the Navajo and Hopi Reservations shall affect Hopi Indians or Hopi Indian lands, the Superintendent of the Hopi Reservation shall be made a party to the discussions, plans, or field agreements, and his signature shall be necessary on all complete plans affecting Hopi Indians or Hopi lands.

It is understood by the parties concerned that there is nothing in this Clarifying Statement which abrogates any clause in the Memorandum of Understanding entered into between the

secretaries of the Department of the Interior and Department of Agriculture. Also it is understood that if no mention is made of an activity in this statement, but the activity is covered in the Memorandum of Understanding, the provisions of the Memorandum of Understanding will hold.

July 20, 1938

Date

/s/ Hugh G. Calkins

Hugh G. Calkins, Regional Conser-
vator, Region 8, Soil Conservation
Service, U.S.D.A.

July 16, 1938

Date

/s/ E. R. Fryer

E. R. Fryer, General Superinten-
dent, Navajo Agency, Bureau of
Indian Affairs, U.S.D.I.

July 16, 1938

Date

/s/ Robt. V. Boyle

Robt. V. Boyle, District Manager,
Navajo District, Region 8, Soil
Conservation Service, U.S.D.A.

July 16, 1938

Date

/s/ John H. Provinse

John H. Provinse, Navajo Division.
Assistant, Navajo District, Region
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