Hopi Tribal Council, 8-4-1976, Minutes of Special Meeting of the Hopi Tribal Council. Tribal Headquarters, Kykotsmovi. Copy courtesy Hopi Tribal Secretary.

SPECIAL MEETING OF THE
HOPI TRIBAL COUNCIL
TRIBAL HEADQUARTERS
ORAIBI, ARIZONA
AUGUST 4, 1976

The special meeting of the Hopi Tribal Council convened and was called to order by Chairman Abbott Sekaquaptewa at 9:00 a.m. Roll call was taken and the following members were present or absent:

PRESENT	REPRESENTING
Abbott Sekaquaptewa	Chairman, Hopi Tribal Council
Alvin Dashee	Vice-Chairman, Hopi Tribal Council
Thomas Balenquah	Bakabi Village
Esther Howard	Bakabi Village
Jacob Coochise	First Mesa Consolidated Villages
Austin Komalestewa	First Mesa Consolidated Villages
Logan Koopee	First Mesa Consolidated Villages
Myron Polequaptewa	Old Oraibi Village
Sankey George	Kyakotsmovi Village
Lorenzo Yoyokie	Kyakotsmovi Village
Wilson Williams	Mishongnovi Village
Bert Puhueyestewa	Mishongnovi Village
Charles Luke	Sipulovi Village
Clifford Honahni	Upper Moenkopi Village
Robert Sakiestewa	Upper Moenkopi Village
Samuel Shing	Interpreter/Sgt-at-Arms
Leona J. Natseway	Tribal Secretary, Hopi Tribal Council

ABSENT	REPRESENTING
Hansen Tootsie (late)	First Mesa Consolidated Villages
Gary Norton (excused)	Kyakotsmovi Village

With a quorum of members present, the meeting commenced with the business at hand.

Changes were made to the agenda by unanimous consent, as follows:

(1) Delete - Request from Lowell R. Nelson for Regulatory License pursuant to Chapter 3, Ordinance 17;

(2) Add - Arizona Public Service request to waive claims on power right-of-way to a new well located near the Low Mt. Junction.

(3) Add - Request from B. B 1 permit.

CORRESPONDENCE

1. Letter from Mr. John Boyden, dated June 29, 1976, regarding a letter from the Peabody Coal Company in response to Mr. Boyden's letter for information on the amount of tons of coal mined and sold from the mine.

2. Letter from Kaibab-Paiute Tribe, dated August 22, 1976, regarding their Tribal Council's passage of a resolution requesting the transfer of the Agency Credit Officer, which was supportive of the resolution passed by the Hopi Tribal Council on the same.

3. Reference to one item from the minutes of an Inter-Tribal Council of Arizona meeting held on June 14, 1976, which asked that the Arizona Indian Tribes take action immediately to make a donation for the upkeep of the I.T.C.A. office operation.

4. Letter from the U. S. Department of Interior, Mr. R. Dennis Ickes, office of the Under Secretary, dated July 16, 1976, regarding planning for additional law enforcement personnel and equipment by the Hopi Tribe for the JUA once the land has been partitioned.

5. Letter from Phoenix Area Office, Charles Worthman, Acting Director, dated August 19, 1976, regarding approval by Area Office on the resolutions which amended the FY 76 Hopi Tribal Operating Budget.

6. Letter from Boyden, Kennedy, Romney & Howard, dated July 28, 1976, regarding Arizona Public Service's response on the possibility of increasing telephone rates as a result of development of improved services on the Hopi Reservation.

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it because it is so written in the contract. Under no circumstances is the Hopi or the Navajo Tribes liable to pay for any part of these litigations. Another question was that if it found that the Government does not have the money appropriated, would Mr. Boyden still continue to work on this case or what would he do. He stated that he does not anticipate anyting of this sort and feels fully confident that the Government will pay for it.

MOTION

Mr. Koopee made a motion that the Council approve the resolution as read; seconded by Mr. Balenquah and Mr. Sakiestewa.

VOTE

15 in favor, 0 opposed, 0 abstaining, with the Chairman presiding and not voting.

4. Status Report on the Current Litigations

Mr. Boyden gave a brief summary of the current litigations.

A. The Navajos had filed a Motion to Appeal the Court's decision on the land which had been decided in the case of Healing vs. Jones. The Hopis made a Motion to Dismiss this appeal by the Navajos because they stated that there was nothing to discuss since the land had already been decided. The Court did not approve the Navajos Motion to Appeal.

B. All the briefs pertaining to the cases on the 1882 Executive Order Reservation, with the exception of the partition suit, have been sent in.

C. On the contempt cases, every step taken by the Hopi has been appealed by the Navajo. This pertains to the 1882 Executive Order Reservation cases.

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D. Emmett Tso vs. Hopi Tribe - He was laying claims to some land in Moenkopi. However, this case has been dismissed because the land in question was covered by the 1934 Boundary Bill suit. Mr. Tso then made a Motion to Intervene, but Mr. Boyden interacted by saying that Mr. Tso was already represented by the Navajo Chairman. The Judge went in his favor which D. N. A. appealed.

E. 1934 Boundary Bill Suit - They were presently in preparation to get all the necessary documents together and ready for submittal by October 1. The Navajos are doing the same thing. He will furnish the Tribe with a copy of the documents which will be submitted which will be a very complete and detailed history of the 1934 Reservation.

F. Pasture Canyon Fencing Situation - A brief review of what happened with this situation was given whereby the Navajo Tribe tore down the fence at Pasture Canyon Dam which was erected by the Moenkopi people. A court hearing will be held on this in Tuba City in the Navajo Tribal Court by the following Friday.

G. A letter from the U. S. Department of the Interior was received which stated that that office is aware that there is a need for additional law enforcement personnel and equipment in the JUA once it has been partitioned.

5. Ames Brothers Proposal to Locate at Hopi Industrial Park

Mr. Boyden briefly gave a short review of this suit which the Utes in Utah are handling. The ruling was favorable and the State Tax Commission has started refunding money back to the Indians. The State has appealed this decision to the 10th Circuit Court and there has been no ruling on it. However, he recommended that the Hopi Tribe not go into this when the Utes

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Ames Brothers Proposal; seconded by Mr. Alvin Dashee.

Mr. Koopee stated that this proposal had been referred to the Resources Committee and they had acted on it by referring this item to the law office. Also, Ames was to send in a fully detailed proposal for further explanation. So, at this time, it was still pending in Committee level. This was a procedural question, but the members of the Resources Committee felt that the Council should act on it.

VOTE

9 in favor, 4 opposed (Mr. Koopee, Mr. Komalestewa, Mr. Yoyokie, Ms. Montoya), 1 abstaining (Mr. Coochise), with the Chairman not voting.

RECESS FOR LUNCH

A recess for lunch was declared at 1:15 a.m.

AFTERNOON SESSION

The meeting reconvened at 3:00 p.m.

EXECUTIVE SESSION OF THE COUNCIL

This portion of the meeting was not recorded due to the sensitive nature of the item to be discussed. Mr. Boyden presented a proposal on the land claims settlement which was under negotiations with the Government and could not be made public at this time. All spectators at the meeting were excused for this portion.

End of the Executive Session at 5:20 p.m.

REPORT ON JOINT USE COMMITTEE

Mr. Jacob Coochise reported that grazing permits were being issued for JUA range areas 5A and 6. He stated that a Committee meeting was scheduled for the next day at Flagstaff where this

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this matter will be discussed. The Chairman asked if the stock reduction has been completed in 5A. Mr. Coochise answered that it has been reduced to ½ the carrying capacity according to the report made by the Joint Use Administrative Office. The Joint Use Office has also stated that after the permits have been all issued that any stock found roaming in this area will be impounded. A letter from the Hopi Grazing Committee regarding their position on the issuance of permits for these two areas was written to the Joint Use Office; however, no reply has been received. The Hopi Grazing Committee contends that it is the wish of the Hopi people that no permits be issued until the Navajo stock has been reduced. Mr. John Boyden, Sr., explained how the JUA land division will effect the Hopi livestock. At this point, it is not know which areas will be going to the Hopis, but that when the line has been drawn, all Navajo stock will be removed from those areas. He stressed the need to have the assurance from the Joint Use Office that the Navajo livestock has been reduced to ½ the carrying capacity. At this time, he asked to consider this matter to be placed on the agenda for discussion and action.

MOTION

Mr. Clifford Honahni made a motion to accept this item for insertion into the agenda; seconded by Mr. Thomas Balenquah.

VOTE

14 in favor, 0 opposed, 1 abstaining (Logan Koopee), with the Chairman presiding and not voting.

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After some comments and assurances that these two homes were not in any disputable area, the following motion was made:

MOTION

Mr. Logan Koopee made a motion that Council approve this powerline extension for McBride Lomayestewa and Velma Wadsworth; seconded by Mr. Thomas Balenquah.

VOTE

15 in favor, 0 opposed, 0 abstaining, with the Chairman presiding and not voting.

RESOLUTION WHICH REQUESTS TO COMMISSIONER OF INDIAN AFFAIRS THAT THE JURISDICTION OF THE WATERS OF PASTURE CANYON BE TRANSFERRED TO THE PHOENIX AREA OFFICE

The Chairman explained that this resolution is being requested because of the recent dispute between the Hopi Tribe and the Navajo Tribe on the fencing of the Pasture Canyon area. He pointed out that the Navajo Tribe is exercising tribal jurisdiction over Pasture Canyon and the Hopi water sources. He stated that the Hopis have always proclaimed their interest in this area and records can prove that it is so. The Hopi Tribe cannot expect fair treatment from the Navajo Tribe or the BIA Navajo Area Office in the resolvement of this jurisdictional problem over this area. If the jurisdiction was transferred to the Phoenix Area Office, the Hopi Tribe would have a better chance of exercising jurisdiction for that area. The Council was not in agreement with the purpose of this resolution, and the following motion was made:

MOTION

Ms. Esther Howard made a motion that Council approve this resolution as read and amended; seconded by Mr. Thomas Balenquah.

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seal coating of Highway 164.

Mr. Clifford Honahni stated that this permit application had been discussed at their Board meeting and approval is recommended.

A provision which states that the village was to be paid the money made from the sale in exchange for the village's assuming the full responsibility for supervising the extraction of said gravel. This would eliminate the question of village jurisdiction over this land, which is located in the 1934 Boundary Bill area.

MOTION

Mr. Clifford Honahni made a motion that this resolution be approved as read; seconded by Mr. Logan Koopee.

VOTE

15 in favor, 0 opposed, 0 abstaining, with the Chairman not voting.

RESOLUTION THAT RESOLVES THAT MR. WILLIAM LAVELL, U. S. FIELD SOLICITOR, BE RELIEVED OF ALL RESPONSIBILITY IN ANY MATTERS WHICH AFFECT BOTH THE HOPI AND NAVAJO TRIBES

The Chairman explained that the Tribe was not getting very much cooperation from Mr. LaVell in the Pasture Canyon situation and that if he was relieved of all matters concerning both Tribes, that it would be to the benefit of the Hopi Tribe. He stated that Mr. LaVell had been the general counsel for the Navajo Tribe during the period when the Healing vs. Jones case was litigated and that he has served the interests of the Navajo Tribe which were detrimental to the Hopi interests. The Hopi Tribe would recommend that any matters involving both Tribes at the Phoenix Area Office level be assigned to different field or regional solicitor's office and that it be assigned to the regional office at Salt Lake City, Utah.

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The draft resolution on this matter was read by the Tribal Secretary. The Council was in agreement with the resolution and its purposes. The following motion was made:

MOTION

Mr. Alvin Dashee made a motion that we (Council) approve the resolution as read; seconded by Mr. Logan Koopee.

VOTE

15 in favor, 0 opposed, 0 abstaining, with the Chairman presiding and not voting.

MEMBERSHIP TO INTER-TRIBAL COUNCIL OF ARIZONA (ITCA)

Mr. Alvin Dashee stated that per resolution H- -69, the Hopi Tribe was authorized to be a member of ITCA for one year. Now, the Tribe is considering renewing that membership, but has to look into other aspects of this organization before they rejoin. He explained that ITCA has been having some operational problems which has stablized somewhat, but it is not yet on its feet. He stated that he would like unanimous consent from the Council to review the background on the operations of this organization and then report the findings back to Council at a later date. Unanimous consent was granted by the Council to this request.

TRIP REPORT ON TEAM WHO LOBBIED THE INDIAN HEALTH CARE ACT (H.R. 2525) IN WASHINGTON, D. C.

Mr. Samuel Shing made the trip report on behalf of the team who had been delegated to make this trip for lobbying purposes. The bill had been passed favorably in the Senate and now it was before the House. He stated that they visited all the Congressmen who were opposed to the bill for support in the passage of the bill. He stated that favorable action by the House was ex-

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pected, and they had hoped that a vote would be taken on it while they were there, but they had to return home. On their return, they were informed that the Bill was passed and would be referred to the President for his signature, who would sign it into law. After that happens, it would be coming up to the appropriations committee. The amount of the Act asks for $466 million dollars. He statrd that there will be a follow-up meeting by all Indian Tribes to deliberate on how to handle this Act. He conclused his report by stating that the Hopi Tribe was the only established Tribe who lobbied for this Bill. There were only two other Indian organizations lobbying at the same time. A letter of recognition to all Congressmen who helped support the passage of this very important bill has been sent.

MOTION TO ADJOURN

Mr. Logan Koopee made a motion that we (Council) adjourn; seconded by Mr. Austin Komalestewa.

VOTE

15 in favor, 0 opposed, 0 abstaining, with the Chairman presiding and not voting.

THE MEETING ADJOURNED AT 8:05 P.M.

Respectfully submitted:

Leona J. Natseway/dt
Leona J. Natseway
Tribal Secretary
Hopi Tribal Council

*Note: These minutes were approved by the Special Committee set up to review all Tribal Council minutes pursuant to Resolution H-74-75 at a meeting held on February 4, 1977.

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