

San Juan River Farm Board

NAVAJO NATION

P.O. Box 4192

Shiprock, NM 87420

Feb. 28, 2022

Mr. Gregory Mehojah
Navajo Regional Director
Bureau of Indian Affairs
P.O. Box 1060
Gallup, NM

Dear Mr. Mehojah:

I appreciate your response dated Dec. 9, 2021, (attached) to my July 25, 2021, inquiry regarding the BIA policies and procedures for managing Land Use Permits (LUP) on the Navajo Nation. I would like to continue the conversation about the issues raised in my initial letter and to that end I'd like to provide the context for my original letter. We are requesting information because we are very concerned about the high rate of abandoned farms and deteriorating conditions of the irrigation system. We are committed to the full utilization of our allocated water rights, and we need to fully understand the BIA's management system in order to carry out our duties as Farm Board members.

We have reviewed the NN Tribal Code Title 3 that you referred to in your letter. Two issues which are not mentioned in the Code Title 3 are the management of records of LUPs and how farm plots are defined. These codes do not specify who should keep the records or how farm plot boundaries should be described.

In your letter you also mentioned a Solicitor's opinion on the Treaty of 1868 between the Navajo Tribe and the United States government, which we have not located. Could you please share with us where we could find the Solicitor's opinion?

Again, we much appreciate what information you have shared, but one issue that we still would like to clarify is a definition of trust land. We would like to see any documents that legally established trust lands and BIA management responsibilities for Navajo Nation trust land. We have never found any such legal document that details what is trust land and what the legal implications are for federal government oversight.

We are currently still trying to get a copy of the Permitting System Rules and Regulations found in the Navajo Nation Department of Agriculture's "Standard Operating Procedures for Elected Officials, Farm Boards, Grazing Committees, and Eastern Land Boards (2008 Draft), Chapters 11 and 12. We are very

Tracy Raymond
Chairman

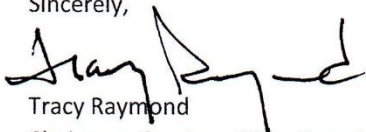
Beatrice Redfeather
Vice Chairwoman

Herbert Cly
Secretary

much interested in reviewing that document once we can locate a copy. In addition, could you elaborate on what you meant when you wrote that you "respect" that document?

Please acknowledge receipt of this letter at your earliest convenience. My email is neeshjizhi@yahoo.com

Sincerely,



Tracy Raymond
Chairman, San Juan River Farm Board

Cc by email:

Jonathon Nez; Navajo Nation President
Myron Lizer; Navajo Nation Vice President
Doreen McPaul; Navajo Nation Attorney General
Brian Curley-Chambers; NN Attorney
Rudy Shebala; NN Director Division of Natural Resources
Leo Watchman; NN Director Department of Agriculture
Rick Nez; NN Council Delegate, RDC Chairman
Eugenia Newton-Charles; NN Council Delegate, Shiprock Chapter
Amber K. Crotty; NN Council Delegate, Gadiiahi/To'koi Chapter
Charlaine Tso; NN Council Delegate, Aneth Chapter
San Juan River Farm Board members
Calvert Curly, Supervisor, Natural Resource Specialist, BIA

Tracy Raymond
Chairman

Beatrice Redfeather
Vice Chairwoman

Herbert Cly
Secretary



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

December 9, 2021

San Juan River Farm Board
Navajo Nation
Post Office Box 4192
Shiprock, New Mexico 87420

Dear Chairman Raymond:

The Bureau of Indian Affairs (BIA), Navajo Region received your request for assistance to outline how the Bureau administers Agriculture Land Use Permits (ALUP) on the San Juan River Irrigation project. The BIA, Branch of Natural Resources provided a similar presentation to the 24th Navajo Nation Council Resources & Development Committee on the process of cancelling and transferring ALUP. The Shiprock Agency, Branch of Natural Resources is available to present the process upon request by the San Juan River Farm Board members.

The BIA administers and processes ALUP with the authorities as determined in the Navajo Nation Code Title 3 (3 NNC) Sections 61-69, 151-154, 171-176, 211-217 and the Solicitors Opinion on the Treaty of 1868 between the Navajo Tribe and United States Government.

In addition, according to 3 NNC Section 171, the District Grazing Committee (DGC) has the authority to enforce and carry out the duties and responsibilities for small, irrigated projects and scattered farm acreage within their districts and outside the six major irrigation projects. Whereas applications for irrigated farming on land within the major irrigation projects are submitted to the appropriate Farm Board. Those parts of the 3 NNC guide the BIA in administering the Land Use Permits. The BIA also respects the "Permitting System Rules and Regulations found in Navajo Nation Department of Agriculture's "Standard Operating Procedures for elected officials Farm Boards, Grazing Committees and Eastern Land Boards" (2008 draft) Chapters 11 & 12.

If you have any questions regarding this matter, Dr. Calvert L. Curley, Regional Supervisory Natural Resources Specialist can be reached at (505) 863-8463.

Sincerely,

GREGORY Digitally signed by
GREGORY MEHOJAH
MEHOJAH Date: 2021.12.09
08:49:39 -07'00'

Gregory C. Mehojah
Regional Director

San Juan River Farm Board

NAVAJO NATION

P.O. Box 4192
Shiprock, N. Mex. 87420

July 25, 2021

Mr. Lester Tsosie
Acting Navajo Regional Director
Bureau of Indian Affairs
P.O. Box 1060
Gallup, NM

Dear Mr. Tsosie

I am writing to you to share with you a resolution passed on July 6, 2012 at the San Juan River Farm Board bi-monthly meeting. This resolution requests from you and the Bureau of Indian Affairs information regarding the management of the San Juan River Irrigation System agricultural land use permits. We are very concerned about the continuing problems in the system and would like your help in beginning to address them.

Please acknowledge receipt of this letter and resolution and contact me at your earliest convenience. My email is neeshjizhi@yahoo.com

Sincerely,



Tracy Raymond
Chairman, San Juan River Farm Board

Cc by email:

Jonathon Nez; Navajo Nation President
Myron Lizer; Navajo Nation Vice President
Doreen McPaul; Navajo Nation Attorney General
Brian Curley-Chambers; NN Attorney
Rudy Shebala; NN Director Division of Natural Resources
Leo Watchman; NN Director Department of Agriculture
Rick Nez; NN Council Delegate, RDC Chairman
Eugenia Newton-Charles; NN Council Delegate, Shiprock Chapter
Amber K. Crotty; NN Council Delegate, Gadiiahi/To'koi Chapter
Charlaine Tso; NN Council Delegate, Aneth Chapter
San Juan River Farm Board members

Tracy Raymond
Chairman

Beatrice Redfeather
Vice Chairwoman

Herbert Ciy
Secretary

Resolution of the San Juan River Farm Board

Requesting from the Navajo Regional Director of the Bureau of Indian Affairs (BIA) a written report on how the BIA governs Agricultural Land Use Permits in the Shiprock Agency. The report should include a definition of Trust-lands, certified maps of Agricultural plot boundaries, a list of all applicable policies, how enforcement is carried out when violations occur, and any legal opinions pertaining to the administration and operation of Agricultural Land Use Permits.

WHERE AS:

1. The Farm Boards of the Navajo Nation were established by the Navajo Tribal Council Resolution CAU-51-80 and Advisory Committee Resolution CJA-1-81;
2. In accordance with Title 3, NNC §61-69, the Farm Boards are the legislative bodies within the Navajo Tribal Government with the responsibility of recommending improvements and development of farmlands;
3. The Bureau of Indian Affairs has been issuing Farm Land Use Permits since the 1940s. Each permit is signed under the Authority of the Secretary of the Interior, which the BIA is part of; and
4. The BIA has fiduciary responsibility for the Navajo people and their assets and resources, which is the reason the BIA exists.

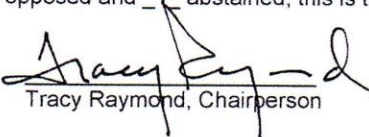
NOW THEREFORE BE IT RESOLVED THAT:

The San Juan River Farm Board respectfully requests that the Navajo Regional Director of the Bureau of Indian Affairs (BIA) prepare a written report on how the BIA governs Land-Use-Permits in the Shiprock Agency. The report should include a definition of Trust-lands, a certified map of farm plot boundaries, a list of all applicable policies, how enforcement is carried out when violations occur, and any legal opinions pertaining to the administration and operation of Farm Land Use Permits.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the San Juan River Farm Board at a regular called meeting by phone conference (due to the COVID-19) at which a quorum was represent and that the resolution was **passed**/denied by a vote of 5 in favor, 0 opposed and 1 abstained, this is the 6th day of July, 2021

Motioned: **Beatrice Redfeather**
Second: **Ronney Dee**


Tracy Raymond, Chairperson