

**DEVELOPMENT NEEDS OF THE
FORMER BENNETT FREEZE AREA**

103

Y 4. AP 6/2: S. HRG. 103-442

ARING

Development Needs of the Former Ben... BEFORE A

SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
UNITED STATES SENATE
ONE HUNDRED THIRD CONGRESS
FIRST SESSION

SPECIAL HEARING

Printed for the use of the Committee on Appropriations



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DEVELOPMENT NEEDS OF THE FORMER BENNETT FREEZE AREA

FRIDAY, JULY 9, 1993

U.S. SENATE,
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES,
COMMITTEE ON APPROPRIATIONS,
Tuba City, AZ.

The subcommittee met at 9:15 a.m., in the auditorium, Grey Hills High School, Warrior Avenue, Tuba City, AZ, Hon. Dennis DeConcini presiding.

Present: Senator DeConcini.

NONDEPARTMENTAL WITNESSES

**STATEMENT OF PETERSON ZAH, PRESIDENT, THE NAVAJO NATION,
WINDOW ROCK, AZ**

**ACCOMPANIED BY ROMAN BITSUIE, DIRECTOR, OFFICE OF NAVAJO-
HOPI LAND COMMISSION, THE NAVAJO NATION**

OPENING REMARKS OF SENATOR DE CONCINI

Senator DECONCINI. Ladies and gentlemen, the Senate Appropriations Subcommittee on the Interior and Related Agencies has authorized a hearing in Tuba City on the subject matter of the Bennett freeze. We are holding the hearing under the authority of the chairman of the full Appropriations Committee and the subcommittee, Senator Robert Byrd.

I want to thank Senator Byrd, for the record, for allowing us and agreeing to these field hearings on the development needs of the former Bennett freeze area. I want to thank the chairman and his staff, Sue Masica for their outstanding work, as well as June Tracy of my staff, for the work they do together.

Appreciation to the Grey Hills High School, the board members, and administration for permitting us the use of this fine facility. I want to thank the Office of Navajo-Hopi Land Commission for the arrangements in making this available.

We will receive testimony from the Navajo Nation, the Hopi Tribe, Bennett freeze area residents, Indian Health Service, Bureau of Indian Affairs, and others. We hope to complete these hearings by 12 noon because of other scheduled events on the reservation, and we will have to set up a limit for the amount of time for public participation outside of the five panels that we do have. We will be leaving the record open for a period of 2 weeks from today for anyone who wants to send and submit additional written testimony.

Much of what we are going to hear reflects hardship caused by the most unfortunate twist of fate which the Navajo and Hopi people have lived with since the formal establishment of the Navajo and Hopi reservations by the U.S. Government in 1934. When the U.S. Government officially recognized the area known as the 1934 reservation as trust lands to be held for the use by Navajos and "such other Indians as may reside thereon," it set the foundation for conflicting land claims by the different tribes.

As a consequence of that action, the ensuing litigation to determine each tribe's rights to the 1934 land, in turn, resulted in the imposition of a construction freeze by the U.S. Government. The 1.5 million-acre area became known as the Bennett freeze area.

The legal quagmire created by the U.S. Government denied residents of the area the basic ability to improve their lives for the past 26 years. While awaiting the resolution of the litigation, western Navajo Reservation communities have been suspended in a state of neglect. According to initial assessments, only 10 percent of the area families have running water, while one-half of families living outside the freeze area have this basic service. Only 3 percent of the freeze area homes have electricity.

In the last 25 years we have seen a 65-percent increase in family members, while virtually no new homes have been built. In the past I have visited these areas and seen these homes and talked to these people. It is a deplorable situation and it is hard to believe that it is in this great land of ours that this can happen.

Fortunately, in my judgment at least, last September the District Court of Arizona issued a final judgment based on the merits of the case. Not all agree that this is the right conclusion, but I believe the conclusion was necessary so that we could end this horrible situation. In his order, Judge Carroll recognized the inequity caused by the restrictions on development and services essential for comfort and sanitation, and he removed the ban. Now pressing rehabilitation and development needs must be addressed. And I agree with the court that area residents have waited long enough, if not way too long.

The U.S. Government must assist the Navajo Nation as it moves to bring these communities out of the third-world conditions they have been living in. The estimated 7,800 residents of the former Bennett freeze deserve no less than a fundamental commitment by the Federal Government to eliminate the substandard living conditions which they have endured for more than a quarter century.

Homes declared unfit for habitation much be replaced. New homes for families who have been forced to settle temporarily away from their homeland should be built. Running water and electricity services need to be brought into communities as a first step to improve the health status of all living in the area. In the long term, the entire area will need new roads and basic community facilities, schools, and other infrastructure which are essential to its economic revitalization.

Fiscal constraints on the Federal budget will require us to prioritize all of the pending backlog of needs. While we may not be able to address everything at once, I am prepared to make a strong and, hopefully, persuasive case for the most pressing needs this year. The testimony presented today by all sides will underscore

the severity of the need and provide the Interior Appropriations Subcommittee with a valuable understanding of the problem and, hopefully, we can get started on the solution.

I must say this is the most difficult year on the Appropriations Committee that I have served on for going on 17 years now, of allocations and the shortage of resources, so it could not be coming at a worst time when we are competing for scarce resources. However, I can assure you that this Senator, and I am sure others of the delegation, will do all that we can to see that we can begin.

Today we have a number of panels. On our opening panel we have President Peterson Zah and we welcome him here. I want to thank him sincerely for suggesting that perhaps the best way to lay out the record here is to have a hearing in the Bennett freeze area. So that is why I petitioned the chairman of the subcommittee to permit us to have the hearing here, and I want to thank President Zah. Accompanying him is Roman Bitsuie, director of the Office of Navajo-Hopi Land Commission.

President Zah, your full statement will be inserted in the record and you may summarize it, please.

SUMMARY STATEMENT OF PETERSON ZAH

Mr. ZAH. Thank you, Senator. I would like to also thank you for being in this area and at the same time petitioning the chairman of the Appropriations Committee so that we can submit to you the sum of our statement in the record to seek the funding that we have requested from Congress.

I think it is ironic that we are having this hearing on this day, July 9, 1993, because it was almost exactly 27 years ago on July 8 that Robert Bennett froze the area. And at that time this was a very poor area and the condition has even gotten worse since then.

And I wanted to just tell you and tell members of the staff that during that 27-year period, the United States in its wisdom wanted to have a chance at doing away with poverty in the United States. And the war on poverty was declared by Congress, and as a result people went out and offered people certain programs. And this area, the Bennett freeze area, was not able to seek any benefits from the War on Poverty Program because of the freeze. And then President Johnson also made a declaration where he had his Great Society Program, and people in the Bennett freeze area, again, never benefitted from that Federal program. Twenty years later, George Bush became the President and he called on people for a thousand points of light to come forth and help America and those in need. Again, the Bennett freeze area never received any benefit or notice.

Today if you were to walk through the former Bennett freeze area, you would feel exactly the same way as Bobby Kennedy felt in 1967. Not only has the area not improved since 1967, it has gotten worse. That is because of the Bennett freeze which halted economic and social progress throughout the area. It is, as someone has described it recently, "The land where time has stood still for the last 27 years."

I believe that statement summarizes everything. If we are to learn from what we have done to the people of the Bennett freeze

area, it should give us one message that we should all remember, and that is that the United States should not be in the business of having to freeze any kind of a construction or development, even so far as to have people fix their homes to have a decent place to live, to have electricity, to have running water, to have decent roads, to have schools, to have a community. Those should never be tampered with because the people who are living in these kinds of areas fully depend on that infrastructure for their survival.

And I am happy that, at last, this is over with in the former freeze area. Now the people are able to be free and be counted like many of the other American people, or the Navajo people, so that they can make the progress that they have been looking for for so many years. However, we cannot do all of those things on our own. We need Federal help. We need your help, Senator, in convincing Congress that here is a situation where Congress had a role in backing the decision that was made by Robert Bennett in 1966, and had, as a result, the statutory freeze in the area.

And I basically believe that the United States has the moral and legal obligation to help the Navajo people in the freeze area, and because of the role the United States played I think they have a responsibility. And because of that, this year we submitted our budget which calls for \$21.5 million as our first-year funding.

We do have a long-term plan that addresses the issue of the rehabilitation of the land and people from here on to the next 5 or 10 years. So this is only the beginning and we wanted the committee to make sure that they are aware the we will be coming back next year and the following year to ask for some more money so the people can begin having the infrastructure that the American people take for granted in America. I wanted to make that statement so that you and the committee would know what we are looking for.

In this former Bennett freeze area, we are talking about 2,500 families and we are talking about 10,000 individuals. And they desperately need help, not only from the Federal Government, but from all of your Federal agencies. And so, Senator, I hope that you will take that message back to your committee. I know that in your statement you indicated that Congress is facing some tough times budgetwise. You are having to battle for every penny that Federal agencies and programs are receiving. And I know that that has been repeated to me. When we usually ask for money, people in Congress usually say, "Well, we are having this hard time in Congress, we do not really have the necessary funding to do what we want to do."

They make those statements, and the same—or the next day when you pick up the paper we have situations where this year \$3 billion—not million, billion dollars—\$3 billion has already gone to Israel. Another \$2 billion has gone to Egypt. An almost another \$1 billion has gone to the use of the Soviet Union. And so I can criticize the argument that there is no money to give to the American Indian people to help them with their houses, because the next day after those statements are made, you read about all of the money that has gone into other areas. So it makes me wonder.

However, I make just one request, and that request is that we have the Bureau of Indian Affairs—you are going to have Wilson

Barber testifying later on in the day. Usually, the Federal agencies will have some money left over at the end of their program year. I would suggest that if there is to be some moneys left over either in the BIA or in the budget, that you, however, suggest to the money lenders in Washington that they remain here and that those moneys will be put into the former freeze area for us to use.

I think that is going to be something that will be talked about. I realize that there is a national shortfall within the BIA system. They should not have to punish the Navajos for what happened because of a bureaucrat in Washington that was in the Interior Department just did not request enough money from Congress to fund all of the programs that they had and Congress saying that there is a \$17 million shortfall.

The last request that I would like to make, and just simply for the Navajo Nation, is that we are not only talking about the area of the former Bennett freeze. You had a similar situation, a devastating situation in 1882. And those people are having just as terrible a time as the people that we are addressing today. In 1882 we also need your help. The Navajo people have needed help for years, and you have not been there. And situations are such that we really need the Federal aid.

And the last request is that I do not know what is going to be said by other people that are going to be testifying today in terms of the freeze. Some may suggest, it may be, that the freeze was a good way of protecting certain rights. But to me, having rights means one thing. Yes, ultimately it does involve people having their legal rights. All of those are tested in full. That is why we have the process. But today this hearing is about human rights, about people who are actually denied. They are people you can touch and feel, that have arms, that have legs, that have eyes, that have a pair of feet.

Those people's rights are to be protected above and beyond the legal rights, which are only a concept, an ideal. And so we are having to deal with human rights, as opposed to legal rights. And I do not think the United States should be in the business of having to further quash the human rights of the people that lived in the former Bennett freeze area, because it has suffered enough. They do not have things that other American people take for granted.

I was reminded of the situation where the U.S. Congress indicated that in South Dakota, Shannon County is the poorest county in the United States, and I looked at those statistics. Even though they may be poor, they still have 25 percent of those people who are living without plumbing facilities, they have a basic infrastructure, even though they may be dirt poor. If you look at the statistics, we are far below those statistics that came out of that study.

Because in this area, we could not even allow people for the last 27 years to climb on top of their roof and re-roof their house. So when it snows, when it rains, the water came down to their personal belongings inside the house. That is how terrible it was, how terrible it was. And the people who are living in the former Bennett freeze area, they have gone through a lot.

If you look at the history of the Bennett freeze area, there was the statutory freeze and then during the next 10 years it got amended 10 times, and that is how the Tuba City area was ex-

empted and the Moencopi area was exempted. And as a result of those amendments, these two communities continued to develop.

I do not know what went through the mind of Robert Bennett back in 1966. He thought that he should do this in the best interests of having the two tribes come together and be able to solve their differences. But in the long run, when you really look at the freeze, it never really worked out that way. It only punished the Navajo people because Moencopi was exempted later on, where most of the Hopi people in this area live. Yes, Tuba City was labeled as an administrative area and they were exempt, except the people who are living out there in the rest of the former freeze area were never exempted, so they had to suffer greater in numbers than, for example, the Hopi Nation.

So the law was put into effect, to me, just to punish one side of the two tribes. And we certainly do not want to see that ever happen again. I do not think the United States should be in the business of doing these kinds of things to any group of people, much less Native American and the Navajo people.

PREPARED STATEMENT

So, Mr. Senator, I thank you for the time that has been given to me, and I appreciate your presence. And you and I had a conversation and discussed the idea of having this hearing out here in the midst of the Navajo people in the former Bennett freeze area, and you have lived by your words and I appreciate that, and thank you very much.

[The statement follows:]

STATEMENT OF PETERSON ZAH

Mr. Chairman, my name is Peterson Zah, and I am the President of the Navajo Nation. Today, I am joined by Roman Bitsuie, Executive Director of the Navajo-Hopi Land Commission. On behalf of the entire Navajo Nation, let me express our deep appreciation to Chairman Robert Byrd, Senator Dennis DeConcini, and the subcommittee for coming to Tuba City to hold this hearing today.

Mr. Chairman, this hearing comes at an auspicious time, for it was 27 years ago almost to the day, July 8, 1966, that Robert L. Bennett signed the administrative order that put in place the "Bennett Freeze." [Exhibit 1] Who could have imagined at the time that this tragic policy would remain in effect for over 26 years. It is my hope that this hearing marks the start of a process in which the federal government will work with the Navajo Nation to address the economic, social, health, and other problems that this policy left behind.

My comments today will describe how the Bennett Freeze came into being and how it was administered for a period of over 26 years. I will discuss the devastating impact the Freeze has had on 1.5 million acres of the Navajo Reservation and the approximately 2,500 families who live there, as well as the many families who were driven from this land by the Freeze. Finally, I will share with you what the Navajo Nation is doing to address the problems, and ask this subcommittee to assure that the United States government contributes its fair share to the solution.

In 1967, when Senator Robert F. Kennedy took his now-famous tour of the poorest parts of rural Mississippi, he could have walked through many portions of the Navajo Nation and witnessed poverty much the same. Today, if you were to walk through the former Bennett Freeze area, you would feel the way Bobby Kennedy felt in 1967. Not only has the area not improved since 1967, it has gotten worse. That is because of the Bennett Freeze, which halted economic and social progress throughout the area. It is, as some have described it, "the land where time stood still."

For the thousands of Navajos who live on this 1.5 million acre time warp, there has been no development, and thus, no progress for over 26 years. The people of the Bennett Freeze area have missed much of what America, the so-called "land of opportunity," has had to offer. The Freeze prevented them from sharing in the bene-

fits of President John F. Kennedy's "war on poverty." They had no place in President Lyndon B. Johnson's "Great Society." Even President George Bush's call for "a thousand points of light" fell into darkness in the former Bennett Freeze area. At least the rural Mississippi that Bobby Kennedy saw was free to grow.

In 1966, at the urging of the Hopi Tribe, Robert L. Bennett, the Commissioner of Indian Affairs, declared a "freeze" on more than 1.5 million-acres of the Navajo Reservation, which has had the effect of preventing the development of this entire area. It did more to the Navajos than break the stream of their economic development—it fragmented their community and family lives as well. There is no excuse for the United States government perpetuating the situation when it became apparent year after year for the more than 26-year period that the Freeze was forcing so many of my people deeper into poverty. The federal government was not helping to resolve the dispute over Hopi claims to the 1934 Reservation.

The Freeze brought a lot of "firsts" to the Navajo Nation. I know of no other situation in history in which the U.S. government has imposed a land freeze like this. Such action was, and is, virtually unheard of in modern society. Housing conditions in the Bennett Freeze have been described as "the worst in America." The former Bennett Freeze area is now poorer than the poorest county in the United States—Shannon County, South Dakota.¹ In 1990, 625 of 2,699 Shannon County households—about 25 percent—did not have complete plumbing facilities. In some Chapters in the former Bennett Freeze area, 85 to 90 percent of the households have no running water. Virtually every household in Shannon County has electricity; in some Chapters in the former Bennett Freeze area, 80 to 90 percent of the homes have no electricity. The people who lived through the Bennett Freeze did nothing to deserve such dubious distinctions.

Mr. Chairman, imagine what would happen if the U.S. government sought to resolve any other domestic conflict in the same way it has treated the Navajo in the Navajo-Hopi land dispute. Today's America is brimming with racial and ethnic tensions. The federal government attempts to handle these tensions diplomatically, almost with kid gloves. The government would not do in Los Angeles or Miami what it has done in this area around Tuba City.

Nor should government officials attempt to excuse the government's actions with racist assertions such as, "these Navajos want to live like this." There are, indeed, many Navajos who want to live in what we call the "traditional" way—living on the land, farming and raising sheep and other animals, and practicing the Navajo religion. But, that does not mean they wanted to live with inadequate sewers, unpaved roads, no running water or electricity, and under the watchful eye of the Hopi Tribe, whose agents monitor and enforce their actions from trucks and helicopters. They did not wish to live under a law that prevented them from building a new hogan if the old one collapsed or was struck by lightning—a law that required detailed applications and approvals before they could add onto or renovate their homes. The Navajo do not "want to live like this."

There can be no dispute that the federal government is responsible for the "Bennett Freeze," and now is not the time to look for excuses or justifications. Now is the time for the federal government to remedy the material deprivation it has caused two generations of people.

I. THE HISTORY OF THE FREEZE

No less frightening than the Bennett Freeze area conditions themselves is the way the federal government has reinforced them over and over. Throughout the years, the government had many chances to lift the Freeze. It never did. Time and time again, the U.S. government effectively told the residents of the former Bennett Freeze area that it did not care about their living conditions and their well-being. In fact, if you asked many residents of the area today, they will tell you they do not believe the Freeze has been lifted. The only confidence they have in the federal government is the confidence that it will never come to their aid.

It is important to understand the history of the Freeze and the restrictions it imposed in order to see how it has caused such devastating consequences. For many years, the Hopi Tribe has been claiming vast areas of Navajo land known as "the 1934 Reservation." It is called "the 1934 Reservation" because in 1934, Congress passed a law that defined the exterior boundaries of the Navajo Reservation in Arizona. The Act reserved for "other Indians" those lands on which they were then "located." This was intended to save for the Hopi Tribe, which already had its own reservation, the pocket of land around Moencopi, the one Hopi village outside the Hopi

¹Shannon County is situated in the center of the Sioux Nation at the southwest corner of South Dakota.

Reservation. The "dispute" arose because the Hopi Tribe refused to accept the purpose of the statute and instead laid claim to vast portions of the Navajo Reservation, irrespective of historical or present use.

The so-called "Bennett Freeze" came into being on July 8, 1966, when the Commissioner of Indian Affairs, Robert L. Bennett, issued a series of administrative orders that restricted development on the western portion of the Navajo Reservation unless both the Navajo and Hopi Tribes agreed. These orders were issued at the urging of the Hopi Tribe, who claimed that development by the Navajo people living on the land could infringe upon their "rights" should the Hopi succeed in their assertions that the land should be a part of the Hopi Reservation. The initial Freeze orders had little impact on the Hopi because, with the exception of the village of Moencopi, few members of the Hopi Tribe lived on this land.

According to Commissioner Bennett, the Freeze was imposed to encourage the Navajo Nation and Hopi Tribe to settle their dispute; but as the years dragged on, and all settlement attempts failed, the Freeze remained. It is amazing, in retrospect, to realize that Commissioner Bennett imposed the Freeze with no evidence whatsoever regarding the extent of Hopi claims and prior to the time that the Hopi Tribe was even authorized to file suit to claim the disputed lands. The right to file suit was not available until 1974. Nonetheless, Commissioner Bennett in 1966 issued his administrative order that read as follows:

Surface or subsurface resources of [that portion of the Navajo Reservation lying west of the 1882 Reservation bounded on the north and south by westerly extensions of the northern and southern boundaries of the 1882 Reservation] may be used "for exploration mining, rights-of-way, traders, or other use or occupancy * * * " only with "formal action" by both the Hopi Tribe and the Navajo Tribe.

Over the next ten years, the provisions were modified six times. In October of 1967, the initial administrative orders were modified to allow "public works type projects" to be approved or disapproved by the Commissioner of Indian Affairs without joint tribal approval. Commissioner Bennett subsequently approved construction of the Two Grey Hills High School and the Tuba City Indian Health Service Hospital.

However, it was not long before the U.S. government reversed its course. In December of 1970, the administrative procedures of July 1966 were substantially reinstated. The new administrative order once again required consent by both the Hopi and Navajo tribes for all leases, exchanges, permits, rights-of-way and other transactions, including public works projects. [Exhibit 2]

In 1972, another administrative order carved out two small "administrative" areas that could be improved with the consent of only one tribe. The "Tuba City Administrative Area," where we meet today, was made subject to the sole authority of the Navajo Tribe, and the Hopi Tribe was granted administrative authority over the Moencopi area.² [Exhibit 3]

With the Moencopi area now exempt from the Freeze, there was virtually no day-to-day adverse impact on the Hopi Tribe or its members. The Hopi people, all of whom lived in the village of Moencopi, were free to build and improve their homes, start businesses, and do whatever else they wished. This freeze on development had been intended to put pressure on both Tribes to settle the land dispute. However, once the U.S. government took the pressure off the Hopi Tribe, it handed the Hopi Tribe an opportunity to hold hostage the Navajo Nation. It is not surprising that the Hopi Tribe did just that.

Eventually, the terms of the Freeze were enacted into a law that took effect in 1980 (Public Law 96-305, codified as 25 U.S.C. §640(d)-9(f)). That law created the following restrictions:

Any development of lands [involved in the Navajo-Hopi land dispute regarding the 1934 Reservation] * * * be carried out only upon written consent of each tribe except for the limited areas around the village of Moenkopi and around Tuba City * * * "Development" as used herein shall mean any new construction or improvement to the property and further includes public work projects, power and water lines, public agency improvements, and associated rights-of-way.

The effect of this law was to force the residents of the Bennett Freeze area to seek permission from the Hopi to build anything, including homes, community facilities, and roads. As interpreted by the Hopi, the effect of the Freeze was to prohibit any

²The one exception was water wells, which were to be approved by both Tribes.

Navajo construction; even repairs, renovations, replacements, or additions. The Hopi Tribe took the position that fixing broken windows and doors, replacing leaking mud roofs and other everyday repairs were "new construction" which required submission to the Hopi Tribe for their approval. I have attached a copy of the "Notice" that the Hopi Tribe routinely posted on Navajo structures that it believed to be out of compliance. [Exhibit 4]

Sadly, from the start of the Freeze in 1966 until it was substantially lifted in September 1992, the Hopi denied or ignored nearly every one of the hundreds of requests made by the Navajo government and individuals and families for public works projects and for basic home improvements such as the addition of running water or the connection of their electrical wiring to a power line. Even simple requests to make repairs to damaged homes were delayed for years. To make matters worse, in August 1982, the Hopi Tribe unilaterally decreed a "moratorium" on its consideration of "any and all construction activities * * * within the Bennett Freeze Order Area." It enforced the moratorium by "postpon[ing] the processing of all construction applications" in the Freeze area, and using helicopter surveillance and vehicle patrols to monitor the Freeze to prevent alleged "illegal construction." [Exhibit 5] It is not surprising that as time went on the individuals and businesses that were subject to the Freeze stopped even submitting requests to the Hopi Tribe. What was the point? They always came back "denied"—if they even came back at all.

As years passed and the restrictions remained, Freeze residents needed additional housing because their existing ones had become too small for their growing families or because the homes had decayed until they were uninhabitable. Some of these people were forced to live in shelters carved out of ditches covered with tarps. Others continued to live in homes with no plumbing or electricity and with leaking roofs that made every rainstorm a struggle against the elements. It was only in 1988—22 years after the Freeze was imposed—that the law was amended to exempt housing improvements from the approval requirements. However, even that exception required a separate hearing before the Secretary of the Interior, and medical proof that the repair was "necessary for the health and safety" of the resident. Deplorable and overcrowded conditions were not sufficient.

On September 25, 1992, the U.S. District Court for the District of Arizona decided the Hopi claims on their merits. The District Court confirmed what my people have known all along—that the Hopis did not have a rightful claim to the land. Following a trial that spanned over two years, the Court found that the Hopi Tribe did not substantially use more than 175,000 acres of the 1.5 million acres that had been subject to the Freeze, either in 1934 or today, and that all but 22,000 of these 175,000 acres had been jointly used with the Navajo. Moreover, the Court specifically concluded that in awarding the Hopi Tribe a total of about 62,000 acres, it was awarding the Hopi "all areas currently used and used in any significant way by the Hopis in 1934." The Hopi Tribe does not dispute this fact. With this overwhelming decision, the Court lifted the Freeze over much of the area, making it possible to begin the process of recovery.

The Bennett Freeze never had to happen. The Freeze did not accelerate the resolution of Hopi claims to the 1934 Reservation—if anything, it delayed the resolution. By imposing the Bennett Freeze and upholding it at every chance for reconsideration, the federal government gave the Hopi Tribe no reason to settle the case and every reason to delay. In the process, the federal government allowed the lives of 2,500 Navajo families to be devastated for over 26 years.

II. THE IMPACT OF THE FREEZE

I do not, however, want to dwell on the past. The purpose of this hearing is to look to the future and to find solutions to the many problems in the former Bennett Freeze area that must now be addressed. This process starts with an assessment of the current situation.

The Bennett Freeze has devastated 1.5 million acres of the Navajo Reservation. It has robbed communities of their vitality and people of their hope. Outside of the Moencopi-Tuba City areas, the economic infrastructure of this area has not improved for over 26 years. No new roads, no new power lines, no new water lines, no new housing, no new schools, and no new community facilities. Nothing.

Consider what the Freeze has done to the economy of this area. This is a beautiful area, which tourists come to and which they pass through to visit the Grand Canyon, Lake Powell, and other sites. But, the Navajo get no benefit from these tourists, no jobs and no income. With the exception of a few facilities that existed prior to 1966 or are located on parcels of non-Navajo land, Route 89 from Flagstaff to Page has no hotels, no restaurants, no campgrounds, no stores, and no gas stations on the portion that crosses most of the Navajo Nation. The reason for that is the

Bennett Freeze. All requests to build these facilities were denied. And now, I understand that water, power, and sewer facilities are so out-of-date that it would be virtually impossible to build even one new restaurant or motel on Route 89—much less the number of these facilities needed to provide jobs and economic vitality to the area. The entire infrastructure of the area must be rebuilt from square one.

The Freeze also has had a devastating effect on those Navajos that live "traditional" Navajo lives. The traditional Navajo socio-economic system is centered around raising livestock and farming the land. Ideally, the meat, wool, and produce would be sold on the market in return for cash or for credit at the local trading post. However, the Bennett Freeze prevented the construction and maintenance of needed irrigation systems, handicapped the marketing of local produce, and contributed to a decline in the profitability of livestock rearing. Few Bennett Freeze area residents have been able to support themselves in the traditional manner, and most have had to resort to wage labor and federal aid.

In addition to those factors, the ban on construction and the high unemployment rate forced many of the area's young people to seek work away from their homes and families. The emigration of these people, who are typically the best educated family members, is a particularly great loss to the communities of the Bennett Freeze area. About 2500 families still live on the former Bennett Freeze area, but it is clear that without the Freeze, the population would be higher and better educated than it is today. And the Tuba City Administrative Area, which was exempted from the Freeze, has become overcrowded and its resources strained as a result of the influx of people from the Freeze area, many of whom are poor and unaccustomed to living in the more-urban area.

For those Bennett Freeze area residents who stayed, many have spent their entire lives in housing units which are little more than hovels, not meeting the most minimal federal required health and safety requirements. The prohibition on building new homes forced many families who wanted to stay on the land to move in with their parents and other relatives. As a result, more than 60 percent of the Bennett Freeze area homes are "overcrowded," meaning that their conditions fall below Recommended Minimum Housing Standards of the American Public Health Association.

The ban on improvements to homes has meant that most Bennett Freeze area residents must struggle every day to maintain minimal sanitation practices. Power lines are virtually nonexistent in the Bennett Freeze area. As I noted earlier, in some chapters on the former Bennett Freeze area, over 80 percent of the homes have no electricity. Many homes lack refrigeration or adequate sewage disposal. It is not surprising, therefore, that the incidence of disease and mental health problems are higher among Bennett Freeze area residents than anywhere else in my Nation.

The crumbling infrastructure also has played a large role in breaking up families and disrupting traditional Navajo ways of life. In the entire Bennett Freeze area, there are only 122 miles of paved roads. By contrast, Shannon County, South Dakota, the poorest county in the United States, has over 267 paved miles to serve a population and land area of comparable size. The terrible road conditions have also caused many of the area residents to travel for hours in order to receive medical attention. Bennett Freeze area parents have been forced to send their young children away to boarding schools because travelling conditions made it impossible for the children to make the daily trip to the local schools.

In addition, few Bennett Freeze area homes have telephones. Thus, communication with distant family members is difficult, if not impossible. In modern life, with the increasing number of young Navajos leaving the Bennett Freeze area to seek employment, this lack of communication can sever family ties completely.

In conclusion, Mr. Chairman, the Freeze has caused two generations of Navajo families to live in poverty. It is a tribute to the strength and endurance of my people, and their attachment to the land, that they have managed at all.

III. WHAT THE NAVAJO NATION IS DOING TO ADDRESS THESE PROBLEMS

The Bennett Freeze was lifted by the District Court on September 25, 1992, at least as to the approximately 1.3 million acres for which the District Court determined that the Hopi Tribe failed to submit evidence of a claim. The Navajo Nation is just beginning to address the challenges caused by over 26 years of neglect.

On October 19, 1992, I signed an Executive Order establishing the Statutory Freeze Redevelopment Task Force, comprised of experts in areas needed to design and conduct a recovery program for the former Bennett Freeze area. The goals of the Task Force are:

To specifically identify the housing, infrastructure and other needs of the statutory freeze area that have been created or caused by the freeze; to de-

velop a master plan for addressing those needs in an orderly and efficient manner; and to consult with appropriate Tribal, Federal, State and other officials to assure that implementation of all development activities occurs as expeditiously as possible.

A copy of the Executive Order is attached as Exhibit 6.

The Task Force is chaired by Councilman Stanley Robbins, who will testify later today about the progress that has been made. Several other members of this Task Force will testify to the Subcommittee about the specific aspects of the plan for re-building the former Bennett Freeze area for which they or their agency is responsible. They can tell you in detail how the Navajo Nation government has begun investigating the problems and assessing the needs of the area in order to focus our efforts and implement the plans efficiently.

We are well on our way to developing a plan for what must be accomplished in the Bennett Freeze area. However, it is clear already that our plans cannot go forward without adequate resources.

For over 26 years, the Navajo people could do no more than bandage the problems of the Bennett Freeze area. Now that we are finally allowed to implement a plan for permanent rehabilitation, the resources needed for the rehabilitation are simply unavailable. The financial assistance of the federal government will be absolutely essential to restoring the former Bennett Freeze area.

IV. THE ROLE OF THE FEDERAL GOVERNMENT IN REMEDYING THESE PROBLEMS

The federal government cannot wash its hands of the deprivation it has brought to the Bennett Freeze area victims. The Court decision modifying the ban was only the first step—now, the United States government must play a critical role in bringing the Area back in step with the rest of modern America. It has, I believe, a profound moral and legal obligation to remedy the deprivation it has imposed.

By the terms of the Freeze, the Navajo residents were not even allowed to help themselves build better lives. Nor does the Navajo Nation, having watched its housing, roads, and other infrastructure decay, have the resources to make up for the years of progress the Bennett Freeze area was denied. Not only must the Navajo Nation make up for 25 years of forced neglect, it has during the same years been forced to spend millions of dollars preparing convoluted freeze applications to the Hopi Tribe, appealing to the Secretary of the Interior from the Hopi Tribe's routine denials, and defending the Hopi Tribe's claims in housing and repair litigation. All of this money could have been spent productively, enhancing lives, but the Navajo Nation has nothing to show for it but boxes and boxes of paper. The federal government must help remedy the grave injustice and tragedy it imposed on the people of the former Bennett Freeze area.

Earlier this year, the Navajo Nation requested this Subcommittee to appropriate \$21.5 million in funds for fiscal year 1994 to begin to remedy the problems in the former Bennett Freeze area. This request was separate and distinct from the Nation's other requests for appropriations. The Bennett Freeze represents a unique problem for which the U.S. government has a special responsibility. It would be unfair and inappropriate for the federal government to meet this responsibility by redirecting funds that would otherwise be appropriated to meet the legitimate needs of the rest of the Navajo Nation.

Our specific request was for funds in the following areas:

Housing.—\$11,500,000 of the \$21,500,000 in this request was for new construction and rehabilitation of up to 255 housing units in the Freeze area in fiscal year 1994. This is only about 10 percent of the need for housing programs in the Freeze area.

Water, sewer, and sanitation projects.—Assaults on the health of the people within the Freeze area cannot be arrested without public water systems, wastewater systems, and sanitary landfill operations with supporting transfer stations. The Nation has requested \$5,000,000 for this purpose. Approximately 10,000 people, including much of the former Freeze area, will be served by the solid waste disposal transfer stations to be funded by this request. Water service also will be extended to about 400 families under this appropriation, roughly 20 percent of the need.

Education.—The \$2,000,000 sought was the minimum which would meet the immediate needs for facility improvements and renovation at nine BIA, one tribal grant, and public school district schools.

Community facilities.—All 10 Chapters in or partially in the Freeze area are severely deficient in facilities for delivery of local government services. Coal Mine Mesa Chapter, indeed, lost its Chapter House site in the award of land to the Hopi Tribe and now is under great pressure to abandon these facilities. The services that are administered at or near the Chapter houses include day care, and preschool, ag-

riculture and grazing activities, elections, senior citizens programs, health and welfare programs, law enforcement and economic development activities.

The \$1,500,000 sought in this request would build or rehabilitate three Chapter houses and affiliated program facilities.

Agriculture, range and soil conservation.—The \$1,000,000 sought would finance 47 miles of fencing, property boundary surveys, windmill and stock tank construction, soil and range surveys, and the planning stage of range management work. All of these activities are essential to the Navajo livestock industry and were totally shut down during the Freeze.

Economic development.—Included in this request was \$500,000 for economic development management activities to be conducted in pursuit of economic development opportunities.

These requests for funds in 1994 are only the first stage in a much longer-term effort to address the problems of the Bennett Freeze area. The area will take a long time to heal. An intensive effort extending as long as five to ten years will be required. We look forward to working with this Committee, the Congress, and the Administration to develop and fund this program of rehabilitation.

V. CONCLUSION

Your presence here today begins the long process of recovery for the former Bennett Freeze area. Today, we are looking at the problems that exist in the former Bennett Freeze area, and we have asked this committee to consider our initial request to begin to address these problems. It is my hope that tomorrow the Subcommittee will begin working with the Navajo Nation to develop long-term solutions to these problems.

It is important, however, that this problem be put into perspective. The Navajo Nation is requesting from the federal government \$21.5 million in fiscal year 1994—only a fraction the amount of foreign aid recently approved by the House of Representatives. The House foreign aid measure for 1994 authorizes \$3 billion in military and economic assistance to Israel; \$2.1 billion to Egypt; and \$904 million in aid to former Soviet republics. We have already spent this year over \$71 million in Somalia and about \$36.8 million in Bosnia—including \$20 million in overseas foreign disaster assistance to Bosnia.

I urge this Subcommittee to help assure that the United States tends to the disaster assistance needs here at home with at least the same vigor and purpose that it has brought to its missions overseas. The United States must take care of problems within, as well as outside, its borders.

I do not suggest that the United States abandon its effort to help the rest of the world. That is an important part of what makes the United States a great country. It started in the wake of World War II with the Marshall Plan, and even in these difficult budgetary times it continues to this day. As one representative declared, “[western assistance is a lifeline * * * to the reformers in Russia.]”

What I ask is that the United States extend a “lifeline” to people on its own soil. We need a Marshall Plan for the former Bennett Freeze area, which, in many ways, is as much in need of housing, roads, and other infrastructure from over 26 years of forced neglect as were portions of Europe in the post-war period. President John F. Kennedy’s “War on Poverty” must now come to the former Bennett Freeze area. Let its residents be a part of “The Great Society.” The U.S. government has kept them “on hold” for over 26 years, and it is now time to answer the call.

On behalf of the residents of the former Bennett Freeze area and the entire Navajo Nation, I thank the Subcommittee for coming to Tuba City to witness, firsthand, the problems that have existed here for so long. The Navajo Nation alone cannot remedy the problems of the Freeze. We look forward to working with the Subcommittee and the rest of the Congress because together, I hope and believe, we can develop a solution.

Exhibit 1

LETTER FROM BUREAU OF INDIAN AFFAIRS,
DEPARTMENT OF THE INTERIOR

JUL 8- 1966

Mr. Graham E. Holmes

Area Director, Navajo, Window Rock, Arizona 86515

Dear Mr. Holmes:

The conflict between the Navajo and Hopi Tribes over their respective rights in the Executive Order Reservation of 1882 was resolved by Healing v. Jones. The decision in that case unequivocally and finally gave joint and common ownership of the surface and subsurface of the 1882 Executive Order Reservation lying outside of District 6 to the two tribes.

Thus, the ownership and rights in that particular area are forever settled insofar as this Bureau is presently concerned. All actions whatsoever taken by officials of the Bureau (rights-of-way, traders licenses, leases, etc.) which hypothecate in any way the resources of the jointly owned area of the 1882 Executive Order Reservation must be guided by the reality of common ownership.

Another problem which has perplexed the Bureau for years is the administration of that area in Arizona encompassed by the Act of June 14, 1934 (48 Stat. 960), popularly known as the "Boundary Bill of 1934." That Act confirmed to the Navajos, and other Indians residing therein, ownership to certain Executive Order additions made to the Navajo Treaty Reservation of 1868. The Hopi Tribe has long claimed rights in the area encompassed by the "Boundary Bill." These have largely been ignored by the Bureau, and wholly by the Navajo Tribe. Historically, these claims have been confined to the general region of Moencopi and Tuba City and to the country lying between them and the Hopi Villages.

In recent years, the Attorney for the Hopi Indians, acting on their behalf, has asserted the claims of the Hopi and protested actions taken unilaterally by the Navajo Tribe and/or the Bureau in the area referenced without consent of, or for that matter, consultation with, the Hopi Tribe. Leases and permits have been granted throughout the area without regard for any Hopi interest. Only recently, a lease was given to a restaurant operator for a site almost on the doorstep of Moencopi without Hopi consent. Moneys collected from leases, rights-of-way, traders licenses, and other sources have been credited throughout the years solely to the Navajo Tribe.

Now comes an urgent request for a right-of-way, submitted by the Arizona Public Service Corporation, to construct a transmission line across the 1934 "Boundary Bill" area. The application for a right-of-way has been approved by the Navajo Tribe but the Hopi Tribe was not originally made a party. As a consequence, the Hopi Tribe has directed its counsel to take appropriate legal action should a crossing be attempted without the consent of the Hopi Tribe, and to take such other action as needed effectively to administer the rights of the Hopi Indians in the 1934 reservation.

That action stimulated a request to the Solicitor for an opinion as to the extent and nature of Hopi rights in the 1934 "Boundary Bill" area as a guide for proper administration of the area to which the Hopis have historically made their claim. That opinion is attached hereto. It affirms the presence of Hopi interests in the area but leaves unanswered questions about the nature and extent of such rights. It appears likely the answer to that multiple question can be supplied only by the Congress and/or the Federal Courts.

It is evident the Government can no longer continue to administer the area as though it were owned solely by the Navajo Tribe. Without attempting to prejudge, prejudice, or anticipate any future action that might be taken by the tribes in friendly negotiation, or by the Congress finally to adjudicate the respective interests of the tribes, it does not appear reasonable to administer the total of the reservation area in Arizona, confirmed by the Act of June 14, 1934, as though it were jointly owned by the Hopi and Navajo Tribes. Effective administration requires of me a prudent judgment.

Therefore, the following instructions shall apply only to that portion of the Navajo Reservation lying west of the Executive Order Reservation of 1882 and bounded on the north and south by westerly extensions, to the reservation line, of the northern and southern boundaries of the said Executive Order Reservation.

Effective July 1, 1966, an undetermined Hopi interest in the area so delimited shall officially be recognized by placing in a special deposit account all moneys derived from the use and management of the surface and subsurface resources therein. No action shall be taken by an official of the Bureau that does not take full cognizance of the undetermined rights and interests of the Hopi Indians in the said area. This will necessitate formal action by the Hopi as well as by the Navajo Tribe on all those cases which hypothecate the surface or subsurface resources for exploration, mining, rights-of-way, traders, or other use or occupancy authorized by permit, lease, or license.

The same rule will apply to any action which might be taken by the Government for which the law, policies, or regulations require prior tribal consent. By the same token, neither tribe should be permitted unilaterally to take actions within the said area that trespass on the rights of the other.

The administration of the area delimited above will, if long continued, place a financial hardship on both tribes and will magnify the costs and difficulties of administration.

The period of hardships and administrative difficulties would be shortened materially by a friendly confrontation of the tribes, to the end that in face-to-face talks they might agreeably negotiate out what they consider to be their respective interests and thus form the basis for an early and amicable legislative presentation to the Congress of a bill to end confusion of ownership.

In anticipation of Hopi demands for cash reimbursement from the Navajo for whatever their share may prove to be in revenues collected from at least the area described herein, all of which revenues have heretofore been deposited to the credit of the Navajo Tribe, the Area Director for the Navajo should commence a search for the records of collections and deposits of funds derived from the resources within the area since the date of the enactment of the so-called "Boundary Bill" of June 14, 1934.

Sincerely yours,

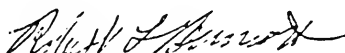

Commissioner

Exhibit 2

LETTER FROM BUREAU OF INDIAN AFFAIRS,
DEPARTMENT OF THE INTERIOR

RECEIVED
JAN 22 1971
MAIL ROOM FILES

DEC 26 1970

Memorandum

To: Area Director, Navajo Area
Area Director, Phoenix Area

From: Commissioner of Indian Affairs

Subject: Administrative Procedures for Real
Estate Transactions within the
Hopi-Navajo 1934 Disputed Area

This is in response to recent requests by the Navajo Area Director for authority to approve several transactions within the 1934 area. Proposals submitted for review include Van's Trading Post lease, Simpson and Thompson commercial lease modification at Cameron, Arizona, and a homesite lease. This extends to the other leases and permits the Navajo Area Office requested telegraphic delegation of approval authority.

On October 15, 1970, the Associate Solicitor, Indian Affairs, advised the Assistant Secretary, Public Land Management, that legal approval cannot be given to a transaction in which the Navajo interest would be recognized unilaterally and the Hopi interest ignored in view of the undefined interest of the Hopi Tribe determined to exist in the 1934 Boundary Bill Area. This was also clearly set forth in the Solicitor's memorandum of July 1, 1966.

Accordingly, the incoming copies of these transactions are returned for appropriate action by the Hopi Tribe. This action is consistent with instructions and amendments given by former Commissioner Bennett on July 8, 1966.

The Assistant Secretary, Public Land Management, in a letter to Senator Barry Goldwater dated May 14, 1970, stated that there is no way of solving the dispute administratively and that its solution will require either judicial decision, Congressional action or both.

Until such time as the Assistant Secretary has determined a final course of action or legislation is enacted, the following administrative guidelines will be followed:

An area known as the Moencopi-Hopi area was delineated for administrative purposes by Assistant Secretary Loesch in identical letters dated February 26, 1970, to the respective Chairmen of the Navajo and Hopi Tribes.

This area within the 1934 disputed area set aside for exclusive use of the Hopi Tribe is to be administered through the Superintendent of the Hopi Agency and the Phoenix Area Director. Leases, exchanges, permits, rights-of-way, and other transactions affecting the real property interests in this area will require execution or consent by both tribes. The remainder of the 1934 Boundary Bill Area outside the Moencopi-Hopi exclusive use area but within the original Bennett line (or the western extension of the 1882 Executive Order Reservation) will be administered by the Area Director of the Navajo Area Office for the exclusive use of the Navajo Tribe. Again execution or consent by both tribes is required in each transaction. No exceptions will be made, including public works projects. The appropriate approving official is not delegated authority to approve separate leases, counter-part leases, or other instruments of conveyance or those authorizing tenure until all parts have been received and the approval or grant can be made of both tribal interest simultaneously. No transaction executed on behalf of only one tribe's interest will be considered a valid transaction.

All of the lands within the 1934 Boundary Bill Area outside of the original line delineated by Commissioner Bennett (or the western extension of the 1882 Executive Order Reservation) shall be administered for the exclusive use of the Navajo Tribe through the Office of the Navajo Area Director.

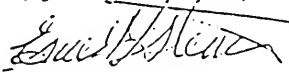
Transactions within this area will not be required to be executed by the Hopi Tribe.

All income collected on lands in the 1934 disputed area inside the original Bennett line (or western extension of the 1882 Executive Order Reservation) will be placed in escrow in a special deposit account pending final definition of the undetermined interest of the Hopi Tribe. Income derived from the remainder of the 1934 area (outside the original Bennett line) will not require deposit in a special account, but the Area Directors should take note that an accounting may be required by eventual judicial or legislative action.

There should be no question or confusion in administration of the common ownership interest in the 1882 Hopi Executive Order Reservation outside District 6 in conformance with the United States District Court decision under Healing v. Jones. Each tribe must join in each new transaction, and each tribe is entitled to receive their proportionate share in the income derived from these authorized uses.

Furthermore, the Hopi Tribe is entitled to receive their one-half individual share from all leases, permits or other authorized uses which were in existence after September 28, 1962, the date of the District Court decision. The Area Directors are hereby directed to immediately make a proper distribution to each tribe of all income previously collected and to provide for such distribution of income received in the future. We can no longer assume a unilateral position in favor of either tribe. Also, inasmuch as this entire area

has been eliminated from the applicability of 25 CFR 152, Navajo Grazing Regulations, all existing annually renewable grazing permits within the area issued under Part 152 should be declared terminated upon the expiration of their current annual term; no new permits may be issued under Part 152 within the area.



Acting Commissioner

Enclosures

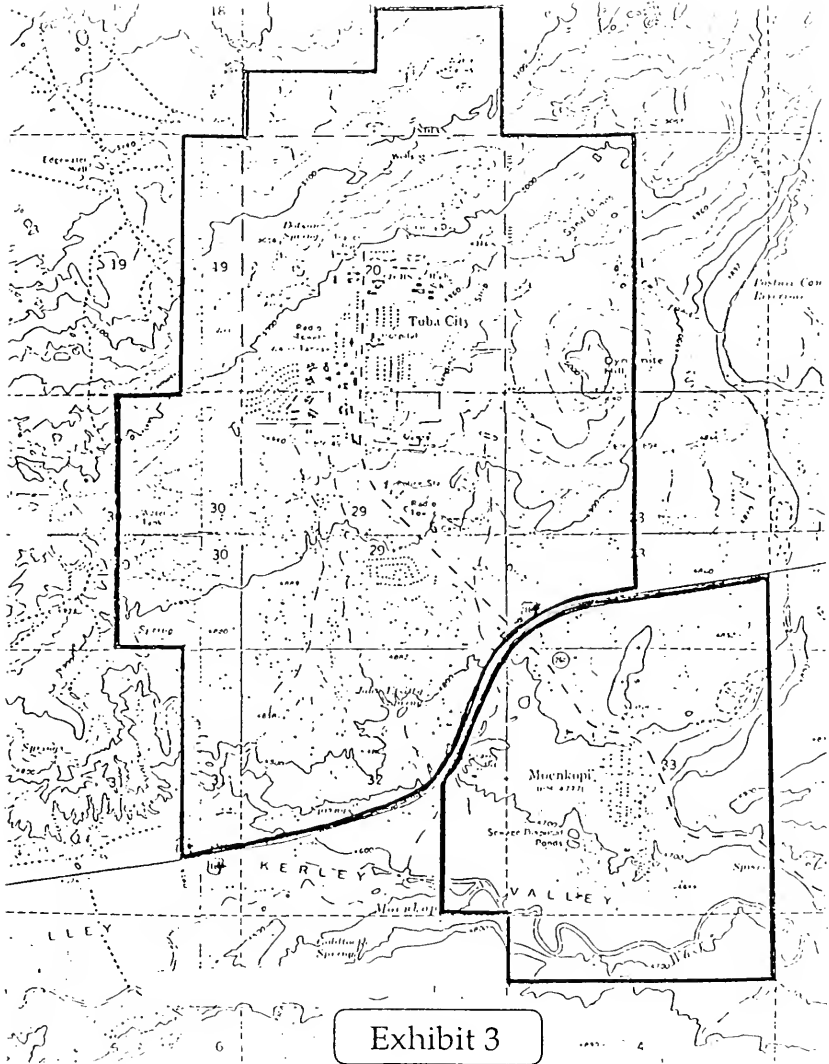


Exhibit 3

Exhibit 4

NOTICE TO CEASE ILLEGAL DEVELOPMENT

ON THE BENNETT FREEZE ORDER AREA

Date: March 16, 1989, Thursday

the Navajo.

The Tuba City Chapter

TO: TRI-STATE S. G. CO., AND ALL PERSONS AT THIS SITE ENGAGED IN ILLEGAL DEVELOPMENT

ACCORDING TO AN ACT OF CONGRESS, PUBLIC LAW 93-531, DECEMBER 22, 1974 AND BY PUBLIC LAW 96-305, JULY 8, 1980 AS AMENDED, SECTION 3.. "(f) ANY DEVELOPMENT OF LANDS IN LITIGATION PURSUANT TO SECTION 8 OF THIS ACT AND FURTHER DEFINED AS THAT PORTION OF THE NAVAJO RESERVATION LYING WEST OF THE EXECUTIVE ORDER RESERVATION OF 1882 AND BOUNDED ON THE NORTH AND SOUTH BY WESTERLY EXTENSIONS, TO THE RESERVATION LINE, OF THE NORTHERN AND SOUTHERN BOUNDARIES OF SAID EXECUTIVE ORDER RESERVATION, SHALL BE CARRIED OUT ONLY UPON THE WRITTEN CONSENT OF EACH TRIBE EXCEPT FOR THE LIMITED AREAS AROUND THE VILLAGE OF MOENKOPI AND AROUND TUBA CITY. EACH SUCH AREA HAS BEEN HERETOFORE DESIGNATED BY THE SECRETARY. 'DEVELOPMENT' AS USED HEREIN SHALL MEAN ANY NEW CONSTRUCTION OR IMPROVEMENT TO THE PROPERTY AND FURTHER INCLUDES PUBLIC WORK PROJECTS, POWER AND WATER LINES, PUBLIC AGENCY IMPROVEMENTS AND ASSOCIATED RIGHTS-OF-WAY." ANY DEVELOPMENT OR IMPROVEMENT TO THIS PROPERTY SHOULD STOP IMMEDIATELY UNTIL YOU GET CONSENT FROM BOTH THE HOPI AND NAVAJO TRIBES. YOU WILL BE HELD ACCOUNTABLE IF YOU FAIL TO COMPLY WITH THE LAW. ATTACHED IS A MAP OF THE AREA APPLICABLE TO THIS LAW, SOMETIMES REFERRED TO AS THE "BENNETT FREEZE ORDER AREA." ANY QUESTIONS SHOULD BE DIRECTED TO THE FOLLOWING: OFFICE OF HOPI LANDS, THE HOPI TRIBE, P.O. BOX 123, KYKOTSMOVI, ARIZONA 86039, PHONE: (602) 734-2503.

POSTED BY: Clayton Hongyeston, O.H.C., Field Mgr.

PRINT NAME

Clayton Hongyeston *F. Billboards*

SIGNATURE

March 16, 1989.

DATE

cc: Navajo/Hopi Land Development Office
THE NAVAJO TRIBE

*Contact Leslie DeLo at
Tuba City Chapter Hall*

Roy & Keelson = supervisor

Exhibit 5

LETTER FROM THE HOPI TRIBAL COUNCIL

August 26, 1982

Calvin Nez, Caseworker
 Division of Social Services
 Western Navajo Agency
 P.O. Box 2289
 Tuba City, Arizona 86045



Re: Stella Keebabe
 Keebabe

Dear Mr. Nez:

The Hopi Negotiating Committee, during its regular meeting on Aug. 23, 1982, unanimously voted to place a moratorium on any and all construction activities, more specifically within the Bennett Freeze Order Area (BFOA), until certain issues have been addressed satisfactorily surrounding current and potential construction activities in the litigated EFOA and the entire 1934 Reservation.

The Committee has postponed the processing of all construction applications for the EFOA for an indefinite period which will allow the Hopi Tribe to conduct a complete investigation on the matter.

Meanwhile, the Bilagody home is presently considered by the Hopi Tribe as unauthorized construction due to the fact that no initial contact was made with the Hopi Tribe to authorize such construction.

In Mr. Keebabe's case, the Hopi Tribe will not authorize placing his specially-constructed and -equipped trailer on any lands currently under litigation, meaning the BFOA and the entire 1934 Reservation area. However, Mr. Keebabe may work with the Tuba City Chapter and Western Navajo Agency in obtaining trailer space within the Navajo Administrative (Development) Area surrounding the immediate vicinity of Tuba City.

If you require additional information, please contact the Office of Committee Staff, Hopi Tribe, at (602) 734-2441, ext. 118.

Sincerely,

Stanley K. Horahni, Sr.
 Stanley K. Horahni Sr., Chairman
 Hopi Negotiating Committee
 Hopi Tribal Council

Exhibit 6

EXECUTIVE ORDER FROM THE NAVAJO NATION

So as to provide rehabilitation and development needed in the former Statutory Freeze Area, and fully address the terrible conditions imposed on the Dine' people of the former freeze area, as President of the Navajo Nation, I hereby establish a Statutory Freeze Redevelopment Task Force, hereinafter referred to as the Task Force.

Whereas: For twenty-six years families and communities have been virtually unable to construct, repair, or replace housing, with the result that there are at least 2,000 substandard, dilapidated or overcrowded homes in the former "freeze" area in immediate need of repair or replacement; and

Whereas: For twenty-six years private business people have been unable to withdraw land or construct places of work in the former "freeze" area, with the result that virtually all forms of commerce and industry have been precluded, and the hundreds or thousands of jobs which they would have created have gone elsewhere, resulting in a need for at least an additional 2,000 full time jobs in the former "freeze" area; and

Whereas: For twenty-six years there has been only limited development of roads, transportation facilities, utilities and other infrastructure with the result that most of the former "freeze" area is served by poor roads and has no access to the water, electric, telephone and other utilities most Americans take for granted; and

Whereas: For twenty-six years, communities in the former freeze area have been constrained from developing or repairing community facilities with the result that community meeting and public service sites are inadequate and in poor repair, essential public services including but not limited to police and fire protection, social services, day care, counseling, and public assistance services are not being adequately provided and there is furthermore a lack of parks and recreational facilities and sites for public activities; and

Whereas: For twenty-six years the school districts of the former "freeze" area have been constrained from building or improving school facilities, with the result that schools and pre-schools are inadequate or lacking, and may not meet standards for health, safety, space or location, and the children and young people of the former "freeze" area are not receiving the education they are entitled to; and

Whereas: For twenty-six years the Indian Health Service, Navajo Nation, communities or other health care providers have been constrained from constructing needed facilities, there is a total lack of health care, nursing and rehabilitation facilities in the communities where they are needed; and

Whereas: For twenty-six years BIA, Navajo Nation, Grazing Committees, communities and livestock owners have been constrained from constructing needed range improvements and fencing, resulting in deterioration of range resources, soil erosion, and other environmental problems; and

Whereas: For twenty-six years families who farm have been constrained from maintaining or expanding irrigation facilities, or from developing new farming areas, resulting in reduced farm productivity and deteriorated farm and irrigation infrastructure; and

Whereas: For twenty-six years the Navajo Nation and other agencies have been constrained from addressing environmental hazards including but not limited to

uranium mine tailings, resulting in adverse health impact on the Dine' people of the former "freeze" area, surrounding areas, and areas downstream; and

Whereas: The Navajo Nation intends that the Task Force hereby established will address these and other problems resulting from the "freeze" and make the Dine' people and communities of this area whole again in their lives, livelihoods, property and all other things which they have lost or been prevented from having; and

Whereas: The establishment of this Task Force is at the recommendation of the Navajo-Hopi Land Commission of the Navajo Nation Council, staff of the Navajo-Hopi Land Commission Office, and concerned residents of the former "freeze" area.

THEREFORE IT IS HEREBY DIRECTED THAT:

The Statutory Freeze Redevelopment Task Force is hereby established. The Task Force will be comprised of representatives that will be appointed by the President.

The goals of the Task Force will be: To specifically identify the housing, infrastructure and other needs of the statutory freeze area that have been created or caused by the freeze; to develop a master plan for addressing those needs in an orderly and efficient manner; and to consult with appropriate Tribal, Federal, State and other officials to assure that implementation of all development activities occurs as expeditiously as possible.

FURTHER: The Task Force will report monthly, beginning on November 6, 1992, and will submit its preliminary findings, to the President of the Navajo Nation and the Speaker of the Navajo Nation Council by January 15, 1993.

FURTHER: The Task Force will at its first meeting adopt a Plan of Operation and will subsequently act with the authority of the President of the Navajo Nation within the parameters of that Plan.

All staff of the Executive Branch of the Navajo Nation are hereby directed to assist the Task Force in their regular capacities as Navajo Nation employees, as requested by the Task Force.

Funds for travel, lodging, per diem and other necessary costs will be taken from appropriate accounts of the Navajo Nation agencies for their staff who serve on the Task Force. Funds will also be available from the Office of the President of the Navajo Nation.

The Task Force will be in effect for one year from the date of this Executive Order through the end of Navajo Nation Fiscal year 1993, at which time it may be extended by order of the President of the Navajo Nation.

All of the above is hereby decreed this 19th day of October, 1992.


Peterson Zah, President
THE NAVAJO NATION

Senator DECONCINI. Mr. President, thank you very much. I do have a couple of questions, but I will now ask Mr. Bitsuie if he has a summary of a statement he would like to give?

STATEMENT OF ROMAN BITSUIE

Mr. BITSUIE. Mr. Chairman, my name is Roman Bitsuie. I am the executive director of the Navajo-Hopi Land Commission Office, under the office of the Navajo Nation president. Following the court's December 21, 1992, decision in the case in which the court lifted the so-called Bennett freeze for all 1.5 million acres subject to the 1934 litigation, the Hopi Tribe asked the court to reinstate the freeze for the entire area. The court refused to do so and instead ordered a modified freeze covering all of the areas which the court had determined both the Navajo and Hopi had been jointly using in 1934 or today, and only these areas.

The Navajo Nation is complying with the court order. Attached to this statement is a copy of the notice that the Navajo Nation has sent to those families subject to the modified freeze and a map showing these areas. The Navajo Nation has begun the process of rebuilding the portions of the former Bennett freeze area not subject to the modified freeze. Any appropriation of funds to the Navajo Nation to assist in the rebuilding of the former Bennett freeze area would, therefore, be directed to these areas unless and until the modified freeze order is lifted.

Given the factual determination made by the court, following a factual inquiry of virtually unprecedented proportion, the Navajo Nation is confident that any additional award of land to the Hopi Tribe that the court may make as a result of the appeal would not extend into the area that has been put under the modified freeze order. The court has protected the interests of the Hopi Tribe.

PREPARED STATEMENT

In conclusion, I cannot emphasize sufficiently the depth of the opposition of the Navajo Nation to the continuation of the freeze order on any portion of the 1934 reservation. We now have the benefit of hindsight with which to look at this proposal for a freeze. The Bennett freeze was the tragic policy when it was instituted in 1966. This subcommittee cannot allow that mistake to be repeated. And if there is any question along the lines of the prior procedure that has been in place, I would be happy to answer those questions, Mr. Chairman. Thank you.

[The statement follows:]

STATEMENT OF ROMAN BITSUIE

III. Chairman.

I am Roman Bitsui, the Executive Director of the Navajo-Hopi Land Commission. The Navajo-Hopi Land Commission is an office in the Executive Branch of the Navajo Nation with responsibility to oversee various issues related to Navajo-Hopi land disputes, including the rebuilding of the former Bennett freeze area. The Commission consists of members of the Navajo Nation Council whose areas are affected by these issues.

I am submitting this statement to the Subcommittee in order to clarify the current status of the modified "Freeze" ordered by the District Court of Arizona in December 1992. Following the Court's September 25, 1992 decision in the case, in which the Court lifted the so-called "Bennett Freeze" for all 1.5 million acres subject to the 1934 litigation, the Hopi Tribe asked the Court to reinstate the freeze for the entire area. The Court refused to do so, and instead ordered a modified freeze covering all of the areas which the Court had determined both the Navajo and Hopi had been jointly used in 1934 or today, and only these areas.

Although the Navajo Nation opposed the Hopi petition for a freeze -- and, indeed, could oppose any petition to freeze any land, Navajo or Hopi, on humanitarian grounds -- the Nation is complying with the Court's order. Attached to this statement is a copy of the "notice" that the Navajo Nation has sent to those families subject to the modified freeze and a map showing these areas.

The Navajo Nation has begun the process of rebuilding the portions of the former freeze area not subject to the modified freeze. Any appropriation of funds to the Navajo Nation to assist in the rebuilding of the former Bennett freeze area would, therefore, be directed to these areas unless and until the modified freeze order is lifted. Given the factual determinations made by the Court, following a factual inquiry or virtually unprecedented proportion, the Navajo Nation is confident that any additional award of land to the Hopi Tribe that the Court may make as a result of the appeal would not extend into the area ^{that has been} put under the modified freeze order. The Court has protected the interests of the Hopi Tribe.

In closing, I cannot emphasize sufficiently the depth of opposition of the Navajo Nation to the continuation of a freeze order on any portion of the 1934 Reservation. We now have the benefit of hindsight with which to look at this proposal for a freeze. The Bennett Freeze was the tragic policy when it was instituted in 1966. This Subcommittee cannot allow that mistake to be repeated.

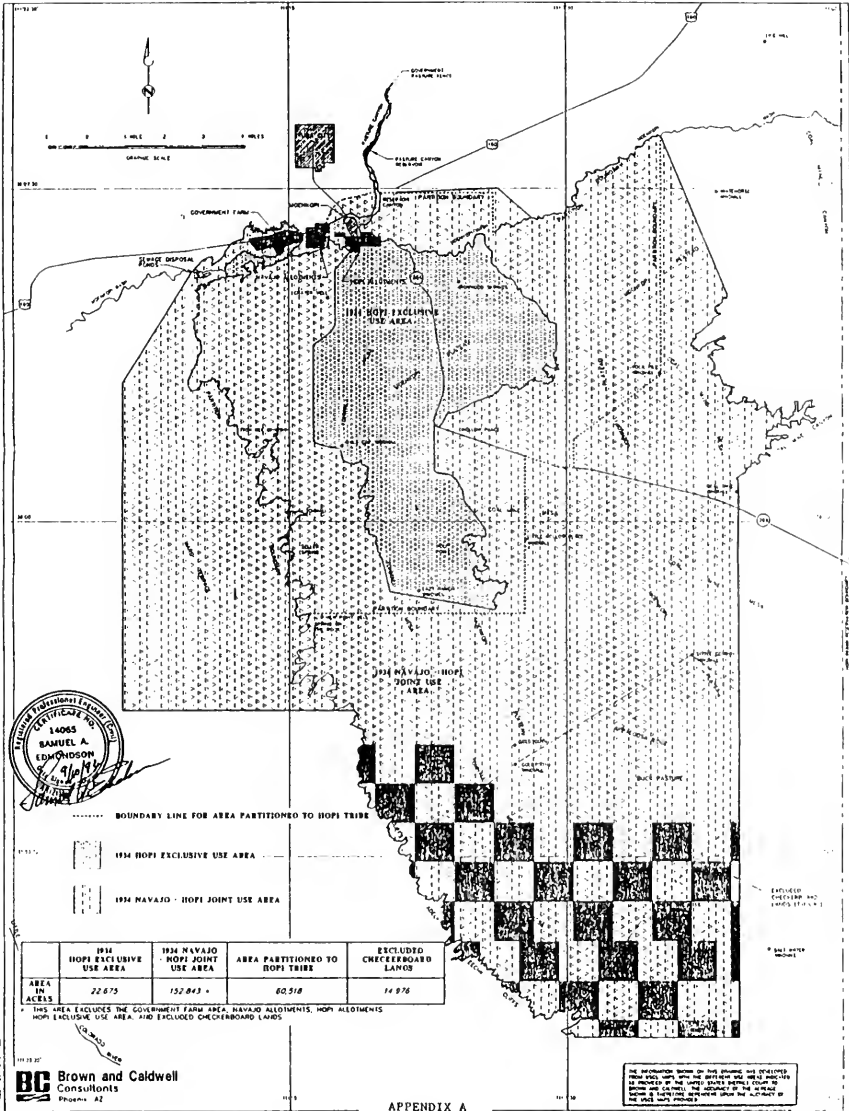
NAVAJO-HOPI LAND COMMISSION OFFICE
Tuba City, Arizona
(602) 283-5901

* * * N O T I C E * * *

THIS NOTICE CONCERNS NAVAJO CONSTRUCTION IN THE FORMER BENNETT FREEZE AREA. PLEASE READ CAREFULLY:

1. On September 25, 1992, the Federal Court in Phoenix lifted the Bennett Freeze on all lands west of the Hopi Reservation, with one exception discussed below.
2. Exception: The following applies only to the area shown on the attached Map and will continue to apply at least until the Court of Appeals decides the appeal filed by the Hopi Tribe:
 - a. Navajos who were living inside the area shown on the map on September 25, 1992, may repair or add to their homes, and may build new structures on their present homesite for use of immediate family members who lived at that site on September 25, 1992.
 - b. Navajos who were not living inside the area shown on the map on September 25, 1992, may not establish a homesite inside that area, including new structures or relocating to any existing structures within that area.
3. Before constructing anything within the area shown on the map, all families should check with the Navajo Nation's Navajo-Hopi Land Commission Office in Tuba City to make sure the construction is authorized under the above Order.
4. Navajos living within the former Bennett Freeze Area but outside the area shown on the map may now build and repair homes and construct other improvements authorized by the Navajo Nation. Of course, any Navajos wishing to engage in new construction must first obtain the necessary permits from their Chapter and/or Navajo Nation and/or the BIA, as required.

If you have any questions, please contact Larry Nez or Ray Russell at the Navajo-Hopi Land Commission Office in Tuba City.



BC Brown and Caldwell
Consultants
Project #2

APPENDIX A

THIS AREA INCLUDES THE GOVERNMENT FARM AREA, NAVAJO ALLOTMENTS, HOPI ALLOTMENTS, HOPI EXCLUSIVE USE AREA, AND EXCLUDED CHECKERBOARD LANDS.

Senator DECONCINI. Thank you very much. President Zah, you make a very compelling case. I have noticed this for so long, and I know there are many sides but I do not think any disputes the suffering that has gone on here by the people, the Navajo people. That strikes me as a humanitarian, human rights violation.

I do notice in your testimony a number of statements that are broad. One is that you said that many former freeze residents do not believe that the freeze is over. Why not? Do they just think that the Government has misrepresented too many times out here, or the communication is inadequate?

Mr. ZAH. Well, I guess the best way I can really make people understand is by drawing an analogy. However, before I do that let me just restate that if you live in the former Bennett freeze area and each year there is a modification or amendment to the freeze, and if you were told so many times—in this case, six or seven times within a 10-year period—you are going to question even your own intelligence as to who to believe, because it got so confusing.

The illustration that I wanted to use was in September of last year when the Bennett freeze was lifted, it kind of reminded me of a situation when I was a young boy. We used to have horses that our fathers and our grandfathers utilized a lot to do the home chores. The two horses that we had would pull a wagon. We plowed our fields, we hoed our fields, and we used those two horses almost every day.

But sometimes when you go away, you hobble the two horses and they will go out for 2, 3, 4 days. Because we were aware, we were unable to go unhobble them. At the end of a fourth or fifth day, you go back to the same horse and you unhobble them and put a rope around their neck, and as you are trying to lead them back to the house, even though they are not hobbled, they would still jump and follow you until several jumps later, then they would start walking. I think in this case, that is really what happened to the people. And that is why they had a hard time believing that it was all over.

Senator DECONCINI. And how about the fact that part of it is still under some modified freeze. Is that correct, even under Judge Carroll's ruling?

Mr. ZAH. As I understand it, there is a map.

Senator DECONCINI. And some of that is still subject to some restrictions.

Mr. ZAH. If you look at the blue area and then if you look at the white lines inside the blue area, the white line inside the blue area represents a still modified version.

Senator DECONCINI. So we still have not really lifted all the freeze by the court decision.

Mr. ZAH. Not all.

Senator DECONCINI. Now, Mr. President, you have made a substantial request, and I compliment you and the tribe for being as forthright and as explicit as you can. And you also make good arguments about how do you justify foreign aid to the former Soviet Union or a space station and SDI—many things that disturb me immensely and that I tried to oppose and reduce, but we are saddled with what we have. And I do not use that as an excuse to nullify your strong arguments on it.

What proportion is the 1994 request of the total amount that would be needed to rehabilitate in the Bennett freeze? Do you have any estimates or a total amount? I know you talk about a 5- to 10-year process.

Mr. ZAH. Mr. Senator, we have put together a task force to address that problem, and the proposal that we are presenting to Congress and have presented to Congress—and we will have to probably modify it to some degree, that proposal, some times throughout the year. But the committee and the task force put together a report which asks for an approximate figure of \$308 million over the course of the next 5 to 10 years, to completely rehabilitate the land and the people.

Senator DECONCINI. Now, my last question—and I may submit some due to time, Mr. President—what commitments in amounts is the tribal government making available, programs and dollar amounts, to the people within the Bennett freeze for modification and improvements?

Mr. ZAH. Immediately after the freeze was lifted, we went to the people that had been making requests for all these years. Some of them were backlogged over a number of years. We went to those people first and using tribal money, using tribal resources, we were able to give them some of the basic repair work that they needed done.

For example, the covering of the roof, putting the new roofing paper on. Because the winter was coming—this was in September and October; it was cold. And we did that with money that we had left over in some programs, using tribal general funds. And I think we used up somewhere between \$350 to \$300,000 of tribal money.

Senator DECONCINI. Will the tribe be appropriating any funds from its general revenues for this particular area?

Mr. ZAH. When the land became unfrozen, we as the leaders of the Navajo Nation, felt an obligation to treat them like any other chapter houses or any other people, and so there is not really a special appropriation for them.

Senator DECONCINI. But they are now able to participate in the general fund.

Mr. ZAH. Be able to participate in what the general fund does for other Navajo people.

Senator DECONCINI. So you have no specific program from the tribe.

Mr. ZAH. In the former Bennett freeze area, for those individuals who needed housing, we are concentrating on that and we are pumping some of the money from other programs into that to do that, but that is going to be running out pretty soon.

Senator DECONCINI. Thank you very much, Mr. Bitsuie.

Mr. BITSUIE. Thank you very much.

Senator DECONCINI. Thank you, Mr. President.

**STATEMENT OF VERNON MASAYESVA, CHAIRMAN, THE HOPI TRIBE,
KYKOTSMOVI, AZ**

**ACCOMPANIED BY ALTON HONAHNI, GOVERNOR, MOENCOPI VIL-
LAGE, TUBA CITY, AZ**

Senator DECONCINI. Our next witness will be Vernon Masayesva, the chairman from the Hopi Tribe, and he will be accompanied by Alton Honahni, the governor of the Moencopi Village.

Mr. Chairman, would you please join us.

Mr. Chairman Masayesva, thank you for being with us today. Your full statement will be in the record, and you may proceed to summarize it.

Mr. MASAYESVA. OK. [Hopi spoken.] Good morning to all of you. To you, Senator DeConcini. We also want to thank you on behalf of the tribe for giving us the opportunity to address the committee today.

I think one of the things I would like to emphasize, that when you talk about Bennett freeze, it also impacts the Hopi people, the Moencopi Hopis. As a matter of fact, the Moencopi Hopis have been living under the Bennett freeze situation since 1934. Moencopi Hopis have land rights guaranteed to them, as stipulated in congressional act, but their rights have never been protected. Their rights have been consistently violated.

These people have been neglected by the U.S. Government and it was the courts that finally restored some semblance of justice to the Hopi people. The Bennett freeze was the only mechanism available to the Hopis to protect what rights they had from a surrounding Navajo population of, as Mr. Zah says, 10,000 people. If you are outnumbered 10 to 1, any kind of legal protection helps.

So the Hopi people have also suffered hardships as a result of the freeze, as a result of the neglect of the Federal Government. These people have lived under the Tuba City BIA Navajo agency—they still are—and when it comes to asking for services such as repairing windmills, repairing dikes, improving roads, their priority is always the last. And so I hope the American people also understand that Hopis are also impacted by the Bennett freeze area and that we welcome the opportunity, now that the freeze has been lifted, to work in partnership, in cooperation with the Navajo neighbors.

I think this calls for a decade of healing that has to set in. I think we need to forget our differences and begin to address the hardships, the true hardships of all of our people living in this area. I think it is wrong to attribute everything, every hardship to the Bennett freeze, and to use it as a vehicle for a run on the Federal Treasury.

Senator DECONCINI. Excuse me, say that again. Can you pull that microphone a little closer? Say that again, Mr. Chairman, I did not hear you.

Mr. MASAYESVA. I said that I think everyone has suffered hardships, but I think it is wrong to attribute every hardship to Bennett freeze. I think there are many, many things that we could have done, both Hopis and Navajos, even with the freeze in effect, where we could have helped alleviate and improve the living conditions on the reservation.

The Hopi Tribe has been singled out as the culprit, as the one that has created this problem, but I would like to say that of the records that we have been keeping since the 1980's, 95 percent, 98 percent of the applications for renovations and repairs have been systematically approved by the Hopi Tribe. There has been only seven cases that I am aware of that have been referred to the Secretary of the Interior, and it was approved. On the other hand, we have record of over 300 instances of illegal construction. So the freeze, to me, really had no real serious practical impact. It is kind of like mercury that would not freeze.

But I do hope that we will now use this opportunity to improve the conditions, living conditions that all of our people need, that we continue to work in partnership with our Navajo neighbors. I think both the honorable Zah and I have made good progress in numerous joint projects such as the airport authority, the Joint Hopi-Navajo Airport Authority; our joint requests to Secretary of the Interior Babbitt to help us reserve an import of water to this area, which is the fastest growing population of indigenous people. Population experts have indicated that by the year 2040 there will be approximately 270,000 Navajos, Hopis, Cheyennes living in the Colorado Plateau.

And so when I hear the comments that we need to plumb every house, build a new house for every Navajo, what I see is a tremendous demand on the water, and we have such a limited supply of water. I think that, to me, as a Hopi who looks at a long-term future in the interests of future generations—that is one of my primary concerns—that all developments, that all of our dreams are meaningless if we do not have the guaranteed supply of water.

And, Senator, I think with your support and assistance we both—Mr. Zah and I will succeed in bringing to this water-poor area a guaranteed supply of water that will enable Navajos and Hopis to improve their living conditions, develop economic enterprises, and do the things that we all would like to do to improve the living conditions on both reservations.

I would like to make the committee aware of two important facts which have been largely overlooked in the recent discussions about the Bennett freeze. The first is that Judge Carroll's order in the 1934 case, including his order lifting the freeze, have been appealed to the Ninth Circuit Court of Appeals and may be reversed by that court. We believe that the Hopi Tribe is entitled to a much larger area of land than Judge Carroll award. If the court of appeals agrees with us, a new division of land will be made.

It would be a travesty of justice if we win the appeal only to find ourselves in the situation where a federally funded Navajo housing program has created dozens of new Navajo residences in the larger areas, making it practically impossible for the Hopis ever to actually recover and use the land they may be legally entitled to. The significance of this concern is dramatically shown by Judge Carroll's refusal to award the Hopi any land on which Navajos have a homesite. In effect, Judge Carroll took land from the Hopis and gave it to the Navajos to avoid including a single Navajo in the new Hopi lands. For these reasons, new residential housing development programs should not take place until the appeal is over

and the Hopi rights are fully finally resolved. The land case is not over.

Second, the district court did not entirely end the freeze. Recognizing the need for some protection for the Hopis pending appeal, Judge Carroll issued an order prohibiting new Navajo residents from settling in an area of about 150,000 acres on the Moencopi Plateau, Coal Mine Mesa, and Ward Terrace, which surround the new Hopi area. Obviously, that order must be respected in any plans for development or rehabilitation of the freeze area.

The Federal district court, however, did partition a certain area of land, about 61,000 acres, to the Hopi Tribe. The Navajo Tribe did not appeal that award, and so whatever happens on appeal, that much land is Hopi land. It includes Moencopi villages and portions of Pasture Canyon, Kerley Valley, and Moencopi Plateau. Under the law and the district court's judgment, the Hopi Tribe now has jurisdiction and sovereignty over that area.

Like the Navajos, the Hopis have been restricted by the Bennett freeze from making improvements in this area. We have experienced other hardships because the Navajo Tribe and the Tuba City agency of the BIA have systematically ignored Hopi needs. For example, the windmills we depend on for stock water are in dire need of repair. Dams and springs on which we depend for farming and ranching have not been maintained.

When we ask for assistance from the Tuba City agency, they will say the Navajo Tribe has the contract for such repairs, and the BIA does not know what it should do because of the land dispute. When we ask the BIA to inspect our cattle for sale, neither Tuba City nor Keams Canyon want to do it because of jurisdictional questions.

We have an irrigation system in Pasture Canyon which we use for our farms. It is badly in need of repair and improvement. The freeze and the uncertainty of jurisdiction has prevented any meaningful action. The Bureau of Reclamation is currently studying the safety of the dam for flood control and will likely determine that major improvements to the dam are necessary. That will require substantial funding.

Our area includes roads which have not been graded and improved. We need to provide police and fire protection in the Hopi area. We need to incorporate the new Hopi lands into our overall comprehensive land use plans. We need to perform range management studies and plans for our grazing area so that we can restore and protect the environment and grazing capacity.

Because of the Bennett freeze, the villages of Upper and Lower Moencopi have been confined into a small administrative unit. As a result, the villages are congested. The villages have run out of land for new housing development and business sites. This has created bitter disputes between the Lower and Upper Moencopi villages, a dispute which will be resolved with development of new community sites, facilities, and infrastructure on land awarded to the Hopi and not contested by the Navajos.

I will forward a proposed budget with an itemized cost for each of the immediate long-range needs that we have identified and also funding necessary to allow the BIA to carry out its responsibilities in the new Hopi lands. While the committee's attention may be understandably focused on the needs of the Navajo residents of the

freeze area, we hope, we sincerely hope, that the Hopi needs will not be overlooked or forgotten in the process, as so often happened in the past.

PREPARED STATEMENT

I certainly do appreciate this opportunity to provide this testimony. As I indicated before, I think we have reached that point where both Navajos and Hopis need to begin to work together, cooperate together, and to bring improvements to the people of both nations. We have an opportunity to do so. I think this can be—I think this situation, this tragic situation, can be developed into a model of opportunity of two tribes jointly assisting each other to provide the type of living conditions that is necessary, that all of our people are entitled to.

I would like to also at this time ask that the governor of the village of Upper Moencopi be allowed to make a brief statement.

[The statement follows:]

STATEMENT OF VERNON MASAYESVA

On behalf of the Hopi Tribe, I thank Senator DeConcini for the opportunity to address the committee today. It is important for the American people to be aware that there are Hopis, as well as Navajos, living in the Bennett Freeze area whose lives have also been affected by this land dispute and who will be affected in the future by any action taken by Congress on the Bennett Freeze issue.

There has been a great deal made of the hardships of Navajos living under the Freeze, and there has been some hardship. In recent years, the Hopi Tribe's policy has been to minimize that hardship by allowing Navajo residents of the Freeze area to repair, rebuild, and replace their homes when necessary for health and safety, and dozens of such request have been approved by the Hopi Tribe.

And Hopis, of course, have had to live with the same restrictions. In some ways, the Hopis in this area have endured a double hardship. Congress vested Hopi land rights in this reservation in 1934, almost 60 years ago, but neither the federal government nor the Navajo Tribe has ever officially recognized those rights. As a result, Hopis at Moencopi have lived on land considered to be part of the "Navajo Reservation" ever since. Hopis have been unable to control, develop, or exercise jurisdiction over the land they use and depend on. Our farms and grazing lands have been under the authority of the Navajo Tribe and the Tuba City Agency of the BIA, and many of the Hopi people's needs in this area have been neglected during the "freeze" and for decades before. The uncertainty caused by the land dispute has created hardship for both tribes.

Before I talk about the specifics of what needs to be done, however, I would like to make the committee aware of two important facts which have been largely overlooked in recent discussions about the Bennett Freeze. The first is that Judge Carroll's orders in the 1934 land case, including his order lifting the freeze, have been appealed to the 9th Circuit Court of Appeals, and may be reversed by that court. We believe that the Hopi Tribe is entitled to a much larger area of land than Judge Carroll awarded. If the court of appeals agrees with us, a new division of land will be made. It would be a travesty of justice if we win the appeal but, in the meanwhile, a federally funded Navajo housing program has created dozens of new Navajo residences in the larger area, making

it practically impossible for the Hopi ever to actually recover and use the land it is legally entitled to. The importance of this concern is dramatically shown by Judge Carroll's refusal to award the Hopi any land on which Navajos have a homestead. In effect, Judge Carroll took land from the Hopi and gave it to the Navajo to avoid including a single Navajo in the new Hopi lands. For these reasons, new residential housing development programs should not take place until the appeal is over and Hopi rights are finally resolved. The land case is not over, and probably will not be for at least a year.

Second, the district court did not entirely end the freeze. Recognizing the need for some protection for the Hopi pending appeal, Judge Carroll issued an order prohibiting new Navajo residents from settling in an area of about 150,000 acres on Moencopi Plateau, Coal Mine Mesa, and Ward Terrace which surround the new Hopi area. Obviously, that order must be respected in any plans for development or rehabilitation of the freeze area.

The district court did partition a certain area of land, about 61,000 acres, to the Hopi Tribe. The Navajo Tribe did not appeal that award, and so whatever happens on appeal, that much land is Hopi land. It includes the Moencopi Villages and portions of Pasture Canyon, Kerley Valley, and Moencopi Plateau. Under the law and the district court's judgement, the Hopi Tribe now has jurisdiction and sovereignty over that area.

Like the Navajo, the Hopi have been restricted by the Bennett Freeze from making improvements in this area. We have experienced other hardships because the Navajo Tribe and the Tuba City Agency of the BIA have not been responsive to Hopi needs. For example, the windmills we depend on for stock water are in need of repair. We also depend on springs which need to be developed and maintained. We need dams repaired and water catchments in our grazing area. When we ask for assistance from the Tuba City Agency, they say the Navajo Tribe has the contract for such repairs, and the BIA doesn't know what it should do because of the land dispute. When we ask the BIA to inspect our cattle for sale, neither Tuba City nor Keams Canyon wants to do it because of jurisdictional questions.

We have an irrigation system in Pasture Canyon which we use for our farms. It is badly in need of repair and improvements, because the freeze and the uncertainty of jurisdiction has prevented any meaningful action. The Bureau of Reclamation is currently studying the safety of the dam for flood control, and will likely determine that major improvements to the dam are necessary. That will require additional funds.

Our area includes roads which need to be graded and improved. We need to clean up our old landfill and develop a new one. We need to provide police and fire protection in the Hopi area. We need to incorporate the New Hopi lands in our overall Comprehensive Land Use Plan. We need to perform range management studies and plans for our grazing area, so that we can restore and protect the environment and the grazing capacity.

Because of the Bennett Freeze, the villages of Upper and Lower Moencopi have been confined into a small administrative unit. As a result the villages are congested. Villages have run out of land for new housing development and business sites. This has created bitter disputes between the Lower and Upper Moencopi villages, a dispute which will be resolved with development of new community sites, facilities, and infrastructure on land awarded to the Hopi and not contested by the Navajos.

I will forward a proposed budget with an itemized cost for each of the immediate, short-term needs we have identified. While the committee's attention may be understandably focused on the needs of Navajo residents of the freeze area, we hope that Hopi needs will not be overlooked or forgotten in the process.

Finally, Senator DeConcini, I want to raise a long-term issue which will need to be addressed at some point. That is whether the lands added to the Hopi Reservation in this area should continue to be administered by the Navajo Area Office of the BIA and the Tuba City Agency, or whether it would be sensible to shift that responsibility to the Phoenix Area Office and the Hopi Agency. Although the Hopi Tribe has not yet taken a position on the issue, it is my sense that we will be asking for a transfer of jurisdiction, at least by the time the litigation is over and the division of lands becomes final. So I want to flag that issue in advance. Thank you again for having me here to testify on behalf of the Hopi.

SUMMARY STATEMENT OF GOVERNOR HONAHNI

Senator DECONCINI. Governor Honahni, please proceed, if you would summarize your statement, please. Pull the microphone there close to you. Thank you, sir. If you could summarize that statement, we will put the full statement in the record.

Mr. HONAHNI. Thank you. I would like to thank Senator DeConcini and the committee for giving me a chance to speak today. I am the governor of Moencopi Village and things that have been happening over there in our village. And we Hopis are going by the prophecy that old people have told us what to do, so, therefore, the Moencopi Village had learned from them to organize the tribe, the council of the village, in order to be recognized by the U.S. Government.

Senator DECONCINI. Governor, can you pull the microphone a little closer to you, please? Or maybe use the chairman's there, thank you.

Mr. HONAHNI. We have been told by the elders of Moencopi Village that we have to go by our prophecy, and they choose that we should be organize that village to be recognized by the U.S. Government. So, therefore, we had a constitution and bylaws under the United States. And I was a governor of that village when this happened. I know we went to Washington and talked about the land with the BIA and the Secretary of the Interior. And I think he knows why he had placed the land in this reservation, and I would like to tell the Navajo chairman that he does not know why he had to freeze this land. And I think they should know, because I know why he did that.

Therefore, we are all in the same trouble. We have been asking the Government to help us to develop on both sides. But on account of our prophecy, we had to go by that. And we know where we are now. We both need the development that has to be for the Hopi Tribe and the Navajos. And I would like to tell the Navajos to listen to my prophecy, that the Hopis are not willing to locate the Navajos from this area. Our prophecy says that we are to become families. No more relocation, but there will have to be somebody to take care of both tribes, the Hopis and the Navajo.

I have lots of grandchildren that are Navajo, and I think of them. I cannot tell them to move out from here. So these things they have to look into, especially these local Navajos that have been here with us for long enough. They should depend on nobody else from the outside, because the outside people are pushing what to do, but they know where they are today.

And I want to thank the chairman of the Hopi Tribe that has covered everything for us, and I do not need to go back into that. All I want to do is thank the people that are here, that are somewhere in this area now, the Hopi prophecy says that we are going to talk about this some day. This is the reason why Bennett freed this land, so we can talk to each other and find out the reason why he did this, because the Hopi know that he had the land and he owns the land and somebody else came in here to try to take it away with the Government's help. So, therefore, that is what they are doing today. So we must understand each other, where we are today.

I want to thank everybody that has listened to my speech, and I want to thank the committee and the chairman and the president of the Navajo Tribe. Thank you.

Senator DECONCINI. Thank you, Governor.

Mr. Chairman, we are short of time, but let me see if I can clarify one thing. The court—as I understand it and correct me if you interpret it different—says that the freeze still applies to the area that is determined to be jointly used by Navajos and Hopis, although it is modified to permit improvements of the properties but no new construction. Is that your understanding?

Mr. MASAYESVA. My understanding is that the order prohibited new Navajo residences.

Senator DECONCINI. New residences, right. But it does permit improving existing.

Mr. MASAYESVA. No; it does not.

Senator DECONCINI. It does not.

Mr. MASAYESVA. It just prohibits more Navajos coming here who were not residents of this area.

Senator DECONCINI. Yes, yes.

Mr. MASAYESVA. That was my understanding.

Senator DECONCINI. No new settlers. But does it permit the ability to, you know, put new roofs on or do anything to the existing conditions?

Mr. MASAYESVA. Yes; I do not think it prohibits that.

Senator DECONCINI. It does not prohibit that; yes. Do you object to that? Do the Hopis object to improving existing conditions?

Mr. MASAYESVA. No; we do not. As I indicated, we have on numerous occasions routinely approved applications when the freeze was still there. I think, like I said—since 1981, I would say, for example, we received 88 applications and 70 of those were approved by the Hopi Tribe and I think 7 approved by the Secretary of the Interior on appeal. So we are sensitive to these types of hardships, and as evidenced by the fact that we have routinely approved and processed.

Senator DECONCINI. Have there been some disapprovals?

Mr. MASAYESVA. There have been some disapprovals.

Senator DECONCINI. For repairs?

Mr. MASAYESVA. Yes; but there is a procedure in place where the Secretary of the Interior can reverse those decisions.

Senator DECONCINI. My records show that there have been disapprovals of the Hopi Office of Lands, the offers that considers the freeze exemptions, for what appear to be somewhat minor things like leaky roofs or replacing parts of a house that was falling down, adding a room, erecting temporary structures such as a tent for religious ceremonies. Is that correct?

Mr. MASAYESVA. I do not think that is an accurate summary of the actions of the Hopi Tribe. But, of course, we are willing to sit down any time with anybody and go case by case to show that this is not true, that is not entirely true.

Senator DECONCINI. Thank you.

Thank you, Mr. Chairman.

Thank you Governor, very much, for your testimony.

Mr. MASAYESVA. Senator DeConcini, I think one thing that I would like to say on the governor's behalf here is that he has sub-

mitted a proposal to develop a motel/restaurant complex across from the Tuba City truck stop on the Hopi side. And he is doing that to provide employment opportunities not only for Hopis but for Navajos, and certainly he would really appreciate any kind of financial assistance to make that project a reality.

The Hopi Nation has also last month withdrawn \$5 million from its various investment accounts and put those moneys into the Hopi Credit Association so that the Moencopi ranchers, farmers can begin to use those moneys in the form of very low-interest loans to repair windmills, build their houses, and to begin developing that portion of the land that has not been contested by the Navajos.

Senator DECONCINI. Fine. Thank you. Is that in the governor's statement, the specifics of his request for the funding for the motel and economic development? Has that been submitted to us here?

Mr. MASAYESVA. We have submitted initially a first request to the Bureau of Indian Affairs area office and will be following that up.

Senator DECONCINI. If you send that to us, we certainly will consider that.

Mr. MASAYESVA. Thank you very much.

Senator DECONCINI. Thank you.

Thank you, gentlemen.

STATEMENTS OF:

**NELSON GORMAN, JR., SPEAKER, THE NAVAJO NATION COUNCIL,
WINDOW ROCK, AZ**

**STANLEY ROBBINS, CHAIRMAN, 1934 AREA REDEVELOPMENT TASK
FORCE, AND COUNCIL DELEGATE, CAMERON/BODAWAY CHAP-
TERS, THE NAVAJO NATION COUNCIL**

ACCOMPANIED BY:

**HERB YAZZIE, ATTORNEY GENERAL, DEPARTMENT OF JUSTICE,
THE NAVAJO NATION**

**KELSEY A. BEGAYE, PRESIDENT, WESTERN NAVAJO AGENCY
COUNCIL, AND COUNCIL DELEGATE, KAIBETO CHAPTER, THE
NAVAJO NATION COUNCIL**

Senator DECONCINI. Our next panel will be Nelson Gorman, the speaker of the Navajo Nation Council; Stanley Robbins, the chairman of the 1934 Area Redevelopment Task Force. He is accompanied by Herb Yazzie, attorney general, and Mr. Kelsey Begaye, president of Western Navajo Agency.

We will have to ask the witnesses to keep their statements to 5 minutes. Your full statements will appear in the record. And I hesitate to do this, but we have three other panels that we have to get to and our time is going to be running out.

We will start with you, Speaker Gorman. Thank you for being with us.

SUMMARY STATEMENT OF NELSON GORMAN

Mr. GORMAN. Senator DeConcini, members of the Senate Interior Appropriations Subcommittee, on behalf of the Navajo Nation Council I want to express the Navajo Nation's deep appreciation to you and to the chairman, Robert C. Byrd, for having the subcommittee come to the Navajo Nation to hear from the Navajo people. We are grateful for your stated commitment to assist the Nav-

ajo people and the Navajo government in finding solutions to address the deplorable conditions approximating those found only in undeveloped third-world countries.

My name is Nelson Gorman. I am the speaker of the Navajo Nation Council. The Navajo Nation Council on numerous occasions has expressed its concern that restrictions based on Federal actions regarding development in the western portion of the Navajo Nation have adversely affected the health and welfare of approximately 2,500 Navajo families for over a quarter of a century.

I have attached to this testimony for your information, Navajo Nation Council Resolution CO-57-92, which urges "development and planning to meet the needs of the Navajo people living in the former 1934 Bennett freeze area" and which asks that the Federal Government "take full responsibility" for addressing the needs, including, but not limited to, the development of the necessary infrastructure, employment, housing, and provision of other needed services.

There is no question that the Navajo families in the former Bennett freeze area have been denied access to the amenities other U.S. citizens have taken for granted. Such things as roads, power lines, sewer lines, sewer lagoons, water projects have been denied for more than 26 years. These restrictions created conditions which greatly affected the health and the safety of Navajo families. Because of overcrowding, many of the younger generation have moved away from the area, destroying the structure of the Navajo family whose very foundation is the extended family. Tremendous pressures have been put on the Navajo people. The freeze has threatened both social and cultural traditions.

Yet, I am here today to tell you that the Navajo people are a people of great patience and endurance. The Navajo Nation has survived for decades despite a history of deliberate Federal Government actions intended to put us down, destroy us, or hold us back. We have not only survived, but have grown into a nation with the population of over 200,000 members.

We have persisted in spite of adversities because of our philosophy of harmony and hope. While circumstances and situations become unbalanced, we as Navajos believe in our ability to always restore balance and harmony. When the Holy People gave us this sacred land between the four sacred mountains, they also gave us the proper tools—the prayers, the songs, and the necessary ceremonies—to right any imbalance and to restore true harmony when the real peace and the tranquility of the Dineh people has been disrupted.

We also understand that the harmony and peace may not be restored in one person's lifetime, but when we see our children and our grandchildren, we are confident in the future. Here in the Bennett freeze area, here on a portion of the Navajo sacred land the lives of numerous Navajo families have been disrupted for too many years. It is time for harmony and balance to be restored.

We believe with the help of the U.S. Congress and Federal agencies, the sorely needed restoration of our land and the people can occur. The Navajo Nation is not seeking handouts. We respectfully request only that to which our Navajo families are entitled. Navajo families are entitled to homes where a roof over one's head is not

denied, where drinking water comes from a tap and not have to be hauled from miles away in barrels, where a signed medical declaration that a flushing toilet is necessary for one's health is not demanded. These requests are simple compared to other demands on the Federal budget and should not be difficult to understand.

In Navajo thinking there is a concept called nal yeeh. It is a concept of justice much like the English concept embodied in the courts of equity whereby justice is achieved not because of statutory law, but because the principle of treating people fairly is right and humane. The Navajo concept is one used by our Navajo courts to restore an injured party through restitution. In other words, the injured party is made whole as much as possible by the party responsible for the injury.

I am here today to respectfully request that the U.S. Congress and the Federal Government take action that is fair and equitable; that the Federal Government provide the funds necessary to restore the land and the people of the former Bennett freeze area. The freeze was imposed by the Federal Government first administratively and then by law.

It is unimportant at this point in time to revisit the reasons for the freeze or to attribute blame. It is only important to meet the needs of the families who have unquestionably suffered tremendous hardship for so long. I ask you to put into practice the Navajo concept of nal yeeh and to do what is right and fair and just, and to provide the injured Navajo families at least some monetary restitution to ease their suffering.

On behalf of the Navajo Nation Council, I want to assure the subcommittee and the U.S. Government that the Navajo Nation Council is ready and willing to do its fair share. As a government we recognize the responsibility that we have to our own Navajo citizens. A total of 10 of 110 chapters of the Navajo Nation are affected by the former restrictions in the area. Chapters, which are local units of Navajo government, are entitled to equal treatment by the Navajo Nation Council and to their fair share of tribal revenues. We have been willing for years to provide tribal funds to the affected chapters in the same manner as we provide for the nonaffected chapters. However, our hands were tied.

But we are now prepared, as the Navajo Nation Council, to take action. Please note that the Navajo Nation Council resolution, to which I referred earlier, states unequivocally "that the affected area is due its fair share of the Navajo Nation general funds and further directs all appropriate departments and offices to make this a priority, to promote the orderly planning, the development, and the rehabilitation of the former freeze area."

Now that the freeze has been partially lifted by Judge Earl Carroll's December 21, 1992, amended final judgment, both the Navajo Nation and the Federal Government, in partnership, should proceed to expeditiously begin the process of restoring the Navajo families in the former Bennett freeze area to their full participation in the available Government programs.

The Navajo Nation seeks Federal funds for individual housing repair and construction. Additionally, funds are badly needed for public works projects such as water lines, electric lines, sewage disposal, roads, and other infrastructure development. We believe con-

gressional approval of the \$21 million in fiscal year 1994 is a promising beginning toward working together as partners to ease the pain and to restore to balance and harmony the former Bennett freeze area.

I would like to say at this time that a lot of the people knew that I was coming to this hearing here today, and they asked me to convey on their behalf a couple of things. One is that the people that are living in the HPL, the 1882 reservation area, that we expect at some time in the near future that we will again be needing the support of the Congress. Again we come to you, Senator DeConcini, that we will need your help to solve these problems.

PREPARED STATEMENT

The second message also not in my testimony is that many of the Navajo veterans who live in the 1934 former freeze area, that they want you to know that after serving this great United States in the military service, they today have not received the benefits for which they have been entitled and are entitled to.

Again, I would like to thank you for coming out to our nation to hear our concerns, and I will be glad to answer any questions that you may have.

[The statement follows:]

STATEMENT OF NELSON GORMAN, JR.

Mr. Chairman, Senator DeConcini and members of the Senate Interior Appropriations Subcommittee, on behalf of the Navajo Nation Council I want to express the Navajo Nation's deep appreciation to you and to Chairman Robert C. Byrd for having the Subcommittee come to the Navajo Nation to hear from the Navajo people. Your willingness to come more than half way across the United States to our homeland to discuss the development needs of Navajo families and the Navajo Nation in the former Bennett Freeze Area, we take as positive indication that the U.S. Congress views the problems created by the freeze as serious, as does the Navajo Nation government. We are grateful for your stated commitment to assist the Navajo people and the Navajo government in finding solutions to address the deplorable conditions approximating those found only in underdeveloped third world countries.

My name is Nelson Gorman, Jr., I am the Speaker of the Navajo Nation Council. The Navajo Nation Council has on numerous occasions expressed its concern that restrictions based on federal action regarding development in the western portion of the Navajo Nation have adversely affected the health and welfare of approximately 2,500 Navajo families for over a quarter of a century. I have attached to this testimony for your information, Navajo Nation Council Resolution CO-57-92 which urges "development and planning to meet the needs of the Navajo people living in the Former 1934 Bennett Freeze Area" and which asks that the federal government, "take full responsibility" for addressing the needs, including but not limited to development of necessary infrastructure, employment, housing and provision of other needed services.

There is no question that Navajo families in the former Bennett Freeze Area have been denied access to amenities other U.S. citizens take for granted. Such things as roads, powerlines, sewer lines, water lines, sewage lagoons and housing projects have been denied for more than 26 years. These restrictions created conditions which greatly affected the health and safety of Navajo families. Because of overcrowding many of the younger generation have moved away from the area, destroying the structure of the Navajo family whose very foundation is the extended family. Tremendous pressures have been put on the People because the freeze has threatened both social and cultural traditions.

Yet, I am here today to tell you that the Navajo people are a people of patience and endurance. The Navajo Nation has survived for decades despite a history of deliberate federal government action intended to put us down, destroy us, or hold us back. We have not only survived but have grown into a Nation with a population of over 200,000 members.

We have persisted in spite of all adversity because of our philosophy of harmony and hope. While circumstances and situations become unbalanced, we as Navajos believe in our ability to always restore balance and harmony. When the Holy People gave us this sacred land between the Four Sacred Mountains they also gave us the proper tools, the prayers, the songs, and the necessary ceremonies to right any imbalance, and to restore harmony when the peace and tranquility of the Dineh is disrupted.

We also understand that harmony and peace may not be restored in one person's lifetime, but when we see our children and grandchildren, we are confident in the future. Here in the Former Bennett Freeze Area, here on a portion of Navajo sacred land, the lives of numerous Navajo families have been disrupted for too many years. It is time for harmony and balance to be restored.

We believe with the help of the Congress and U.S. federal agencies the sorely needed restoration of the land and the people can occur. The Navajo Nation is not seeking handouts. We respectfully request only that to which our Navajo families are entitled. Navajo families are entitled to homes where a roof over one's head is not denied, where drinking water comes from a tap not hauled from miles away in barrels, where a signed medical declaration that a flushing toilet is necessary for one's health is not demanded. These requests are simple compared to other demands on the federal budget and should not be difficult to understand.

In Navajo thinking there is a concept called "Nal yeeh." It is a concept of justice much like the English concept embodied in courts of equity whereby justice is achieved not because of statutory law but because the principle of treating people fairly is right and humane. The Navajo concept is one used by our Navajo courts to restore an injured party through restitution. In other words, the injured party is made whole as much as possible by the party responsible for the injury.

I am here today to respectfully request that the U.S. Congress and the federal government take action that is fair and equitable, that the federal government provide the funds necessary to restore the land and the people of the Former Bennett Freeze area. The freeze was imposed by the federal government first administratively and then by law. It is unimportant at this point in time to revisit the reasons for the freeze or to attribute blame, it is only important to meet the needs of the families who have unquestionably suffered tremendous hardship for so long. I ask you to put into practice the Navajo concept of "Nal yeeh" and to do what is right and fair and just, and provide the injured Navajo families at least some monetary restitution to ease their suffering.

On behalf of the Navajo Nation Council, I want to assure the Subcommittee and the U.S. Government that the Navajo Nation Council is ready and willing to do its fair share. As a government we recognize the responsibility we have to our Navajo citizens. Ten of the one hundred and ten chapters on the Navajo Nation are affected by the former restrictions imposed in the area. Chapters, which are the local units of Navajo government are entitled to equal treatment by the Navajo Nation Council and to share tribal revenues. We have been willing for years to provide tribal funds to the affected chapters in the same manner as we provide for nonaffected chapters. Until recently, however, our hands were tied. Now we are prepared to act. Please note that the Navajo Nation Council Resolution to which I referred earlier, states unequivocally,

" * * * that the affected area is due its fair share of the Navajo Nation General Funds and further directs all appropriate departments and offices to make this a priority, to promote the orderly planning, development and rehabilitation of the Former Freeze Area. * * *"

Now that the freeze has been partially lifted by Judge Earl H. Carroll's December 21, 1992 amended final judgment both the Navajo Nation and the federal government in partnership should proceed to expeditiously begin the process of restoring the Navajo families in the former Bennett Freeze Area to full participation in available government programs. The Navajo Nation seeks federal funds for individual housing repair and construction. Additionally, funds are badly needed for public works projects such as water lines, electric lines, sewage disposal facilities, roads and other infrastructure development. We believe congressional approval of the \$21 million in fiscal year 1994 is a promising beginning toward working together as partners to ease the pain and to restore to balance and harmony the former Bennett Freeze Area.

Thank you for your attention and I would be glad to answer any questions you may have.

CO-57-92

Class "C" Resolution
No BIA Action Required.

RESOLUTION OF THE
NAVAJO NATION COUNCIL

Supporting the Lifting of the Statutory Freeze on Construction
and Urging Development and Planning to Meet the Needs in the
Former 1934 Bennett Freeze Area.

WHEREAS:

1. Pursuant to 2 N.T.C. Section 102 (a), the Navajo Nation Council is the governing body of the Navajo Nation; and

2. The Navajo Nation recognizes the freeze area imposed by the Federal Government and supporting its status for twenty-six (26) years has caused tremendous hardship and distress in the freeze area; and

3. The Navajo Nation maintains the position that the Federal Government should take full responsibility in addressing needs in the freeze area by bringing in development, employment and other needed services in the most timely fashion; and

4. The Western Navajo Agency Council is aware that the construction freeze in the Former Bennett Freeze Area has lasted for 26 years and necessary infrastructure and other needs of the chapters and communities in the statutory freeze area have been seriously affected; and

5. The eighteen (18) chapters and their constituents are ready to move on with their lives and make improvements in and around their homes and communities that have been put on hold for twenty-six (26) years; and

6. The Navajo Nation has a responsibility to promote the general welfare and concerns of its communities and members, particularly those that have been adversely impacted by the freeze; and

7. Attached hereto and incorporated herein are resolutions from chapters and agency councils, marked as Exhibit "A" which address these concerns.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Nation Council hereby supports the lifting of the statutory freeze on construction and urging development and planning to meet the needs of the Navajo people living in the Former 1934 Bennett Freeze Area.

2. The Navajo Nation Council, on behalf of the Navajo Nation and the Navajo People, hereby expresses deep appreciation for the lifting of the Freeze that has kept the western portion of the Navajo Nation frozen in a time capsule for twenty-six (26) years.

3. The Navajo Nation hereby directs the Federal Government to take full responsibility in prioritizing and bringing in development and employment programs for the affected area in the most timely manner.

4. The Navajo Nation also declares that the affected area is due its fair share of the Navajo Nation General Funds and further directs all appropriate departments and offices to make this a priority, to promote the orderly planning, development and rehabilitation of the Former Freeze Area, without jeopardizing and risks affecting the funds appropriated for chapters outside this Freeze Area.

CERTIFICATION

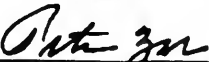
I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 42 in favor, 7 opposed and 2 abstained, this 21st day of October 1992.


Speaker
Navajo Nation Council

October 28, 1992
Date Signed

ACTION BY THE EXECUTIVE BRANCH

1. Pursuant to 2 N.T.C. Section 1005 (c)(1), I hereby sign into law the foregoing legislation on this 30 day of October 1992:



Peterson Zah, President
Navajo Nation

* * * *

2. Pursuant to 2 N.T.C. Section 1005 (c)(10), I hereby veto the foregoing legislation this ___ day of _____ 1992 for the reason(s) expressed in the attached letter to the Speaker:

Peterson Zah, President
Navajo Nation

RESOLUTION OF THE
WESTERN NAVAJO AGENCY COUNCIL

Requesting the Navajo Nation to place a priority on the Statutory (formerly Bennett) Freeze Area for Construction Projects through Capital Improvement Funds, Special Allocations and Navajo-Hopi Escrow Account.

WHEREAS:

1. The Western Navajo Agency Council comprised of eighteen (18) chapters and is entrusted to promote the general welfare and concerns of its communities and members; and
2. The Western Navajo Agency Council is aware that there will be a decision soon in Federal Court on the Hopi Use Area, Joint Use Area and Navajo Use Area in the Statutory (formerly Bennett) Freeze Area; and
3. The Western Navajo Agency Council is aware that the construction freeze has lasted for 26 years and infrastructure for chapters and communities in the Statutory (formerly Bennett) Freeze Area are behind; and
4. The Western Navajo Agency Council is aware that the rest of the Navajo Nation has taken advantage and used the Capital Improvement Funds and Special Allocations monies that would have been otherwise used in the Statutory (formerly Bennett) Freeze Area for 26 years; and
5. The Western Navajo Agency Council is aware that there is an Escrow Account set up and kept by the Bureau of Indian Affairs for fees generated within the Statutory (formerly Bennett) Freeze Area.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Western Navajo Agency Council requests the President of the Navajo Nation, the Navajo Nation Council and Standing Committees of the Navajo Nation to implement a plan to design for infrastructures, Economic Development, Housing Projects, etc., for chapters and communities within the Statutory (formerly Bennett) Freeze Area; and
2. The Western Navajo Agency Council requests the President of the Navajo Nation, the Navajo Nation Council and the Standing Committees of the Navajo Nation to make funding set aside more than normal for projects with the Statutory (formerly Bennett) Freeze Area to compensate for the 26 years of construction freeze; and
3. The Western Navajo Agency Council requests the President of the Navajo Nation, the Navajo Nation Council and the Standing Committees of the Navajo Nation to review the Escrow Account set up and kept by the Bureau of Indian Affairs and insure that those funds are used for projects within the Statutory (formerly Bennett) Freeze Area.

C E R T I F I C A T I O N

We hereby certify that the foregoing resolution was duly considered by the Western Navajo Agency Council at a duly called meeting at Shonto, (Navajo Nation) Arizona, at which a quorum was present, and that same was passed by a vote of 25 in favor, 1 opposed, and 2 abstained, this 20th day of June, 1992.


Kelsey A. Begay, President


Freddie Howard, Vice-President

RESOLUTION OF THE BODAWAY/GAP CHAPTER
THE NAVAJO NATION

requesting the Navajo Nation to Plan for Economic and Other
Related Development in the Statutory Freeze Area of the 1934
Navajo Reservation and Recommending Reinstatement of the 1934
Subcommittee of the Navajo-Hopi Land Commission

WHEREAS:

1. Pursuant to 2 NTC §4001, the Navajo Tribal Council certified the Bodaway/Gap Chapter as a Navajo Chapter for the purpose of local government; and

2. On July 08, 1966 (28 years ago) then Commissioner of Indian Affairs, Robert L. Bennett at the urging of the Hopi Tribal Attorney placed an administrative freeze on all developments on all Navajo Reservation which lies west of the 1882 Executive Order Reservation; and

3. On July 08, 1980, the United States Congress through Public Law 96-305 amended the 25 U.S.C. 640d-9(f) and further placed the "Bennett Freeze" under statutory mandate from any developments without the approval of the Hopi Tribe; and

4. As authorized by Public Law 93-531 the Hopi Tribe filed a claim to half of all 1934 Navajo Reservation lands on December 30, 1974 in the United States District Court, Arizona; and

5. As a result of the Administrative and Statutory Freeze, the Navajo Nation and the Bureau of Indian Affairs is unable to provide any funds for planning and economic developments of twenty-eight (28) years; and

6. Hopi complaint (*Sekaquaptava vs. MacDonald*, Civ. No. 74-843 PCD (CAM)) has been tried and heard in the Court of Law and arguments been concluded and a decision is expected before the end of the year; and

7. It appears that most of the 1934 Navajo Reservation affected by the longstanding dispute between the Navajo and Hopi Tribes will be awarded by the Court to the Navajo Tribe; and

8. Because the land at issue is under Congressional mandate it appears that it would take another act of Congress to lift the prohibition against new developments; and

9. It is in the best interest of the Navajo Nation that the Navajo Nation needs to begin identifying resources including funds for the purposes of planning a major economic development in the 1934 Navajo Reservation land.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Bodaway/Gap Chapter hereby recommends to the Navajo Nation to identify resources and funds and begin planning a major development of restoration and rehabilitation of the Statutory Freeze Area of the 1934 Navajo Reservation land.

2. The Bodaway/Gap Chapter also recommends to the Navajo-Hopi Land Commission that it reinstates the 1934 Sub-Committee to review development planning and policy in the 1934 Statutory Freeze.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Bodaway/Gap Chapter at a duly called meeting at Bodaway/Gap, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 32 in favor, 0 opposed, and 0 abstained, this 26 day of September, 1992.

Motion:	<u>Lee R. Tsoni</u>	<u>William Dey</u>
Second:	<u>Harry Skow Sr.</u>	President
CONCURRENCE:		<u>Paul Adams</u>
		Vice President
	<u>Paul Rull</u>	<u>Charles Dey</u>
	Council Delegate	Secretary

**RESOLUTION OF THE CAMERON CHAPTER
WESTERN NAVAJO AGENCY**

Subject: Requesting for funds from the Office of the President, Hopi/Navajo Land Commissioners, and Division of Resources to identify and appropriate funds to rehabilitate areas in the Bennett Freeze area that has been lifted.

WHEREAS:

1. The Cameron Chapter is a certified chapter on the Navajo Nation and is delegated the authority and responsibility to act on behalf of and for the people of the Cameron Chapter; and
2. For the past 26 years, the Cameron Chapter has been affected by the Bennett Freeze of 1964, which froze all new developments of the local area; and
3. On September 25, 1992, Judge Earl Carroll made his decision on the 1934 lawsuit which stated that the Freeze on any construction was lifted after 26 years; and
4. The Chapter has for many years desired to see many new developments such as Infrastructures, public facilities, businesses, tourism developments, and adequate housings for the community members of all ages; and
5. The Cameron Chapter does not have the funds to expedite these developments and hereby requests for funds.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Cameron Chapter respectfully request the Office of the President, Division of Economic Development, Navajo Nation Council, Division of Natural Resources, to identify and allocate funds to rehabilitate the former Bennett Freeze Area of Cameron Community.

2. Furthermore, the Cameron Chapter requests the Office of the President to direct all appropriate departments and offices to make this a priority to expedite these developments.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Cameron Chapter respectfully requests the Office of the President, Division of Economic Development, Navajo Nation Council, Division of Natural Resources to identify and allocate Funds to Rehabilitate the former Bennett Freeze Area of Cameron Community.
2. Furthermore, the Cameron Chapter requests the Office of the President to direct all appropriate departments and offices to make this a priority to expediate these Developments.

C E R T I F I C A T I O N

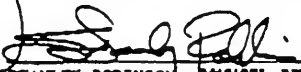
WE HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS DULY CONSIDERED BY THE CAMERON CHAPTER AT A DULY CALLED MEETING AT CAMERON, NAVAJO NATION (ARIZONA), AT WHICH A QUORUM WAS PRESENT AND THAT SAME WAS PASSED BY A VOTE OF 72 IN FAVOR AND 5 OPPOSED, THIS 04 DAY OF October, 1992.


ACE CHARLES, PRESIDENT


MARY BEGAY, VICE-PRESIDENT


JAMES PESHLAKAI, SECRETARY

SEYMOUR TSO SR. COUNCIL DELEGATE


STANLEY ROBINSON, COUNCIL DELEGATE

Senator DECONCINI. Speaker Gorman, thank you for that very fine statement, and I want to compliment you and the tribal council for its leadership in addressing this issue. Indeed, I do have a question, but before I get to questions I will ask Mr. Robbins if he would summarize his statement, please.

Mr. Robbins, your full statement will be included in the record.

SUMMARY STATEMENT OF STANLEY ROBBINS

Mr. ROBBINS. Thank you Mr. DeConcini. My name is Stanley Robbins. I am a council delegate to the council representing the Cameron and Bodaway chapters. I hope this hearing will shed some light on the grave injustice caused by the Bennett freeze, an injustice that, until now, has been cloaked in silence and darkness. The Bennett freeze, to the Hopi Tribal Government, had been self-imposed.

I do not believe there is any more land to give to the Hopi Tribe. I believe they have what they need. Cameron Chapter had been routinely denying the projects, even though they had health and safety reasons.

With the lifting of the former Bennett freeze, when the jobs do come to Cameron—by the way, in any of the eight chapters involved in the former freeze, the local participation, which means the people are actually living out there to do the work, to make plans, and to have the jobs and the businesses.

PREPARED STATEMENT

Mr. Chairman, the very essence of the American dream was stifled by the creation of the 1934 Bennett freeze. We were frozen in time for almost 27 years, while the rest of the Nation grew and prospered. The Government is only as great as its people; the people as great as their dreams. We still have a choice to stand and be a proud people once more, to stand the tallest and the straightest in time of difficulty. We believe in the principles, the foundation that this country is based on. We only ask for equal opportunity to participate in the economic system, a free enterprise system, a private enterprise system that makes us productive to pursue the life, the prosperity, and the pursuit of happiness.

Thank you for the opportunity to testify and I welcome any questions that you may have. Thank you.

Senator DECONCINI. Thank you very much, Mr. Robbins, for your testimony.

[The statement follows:]

STATEMENT OF STANLEY ROBBINS

Mr. Chairman, my name is Stanley Robbins, and I am a council Delegate to the Navajo Nation Council representing the Cameron and Bodaway chapters. I also serve as the Chairman of the Statutory Freeze Redevelopment Task Force, appointed by President Peterson Zah on October 19, 1992. It is in this capacity that I appear before the Subcommittee today. I am accompanied by Herb Yazzie, the Attorney General of the Navajo Nation, who also is a member of the Task Force.

I would like to join President Zah in welcoming the Subcommittee to Tuba City and thanking Senator Byrd, Senator DeConcini, and the other members of the Subcommittee for holding this hearing. I also would like to express my appreciation and that of the other members of the Statutory Freeze Redevelopment Task Force for this Subcommittee's efforts to bring the attention of the U.S. Congress to the serious problems on the former Bennett Freeze area.

I hope this hearing will shed light on the grave injustice caused by the Bennett Freeze, an injustice that, until now, has been cloaked in silence and darkness. U.S. government action drastically changed the lives of the thousands of Navajos who endured over 26 years of hardship living on the former Bennett Freeze area. It also changed the lives of their children and other family members, many of whom would have built their own homes and settled on the former Bennett Freeze area, near their families, if they had been permitted to do so.

How do you rebuild an area where there has been absolutely no infrastructure development for over 26 years? Where do you start the process? How do you set priorities when it is clear that there are not enough resources available at present to do the job? These are the type of questions that President Zah has directed the Statutory Freeze Redevelopment Task Force to address. My testimony today will describe the progress of our efforts to date, as well as the plans that the Task Force has for the future.

Before describing the work of the Task Force, however, I would like to share with the Subcommittee some of the problems that we are encountering in the Cameron Chapter that should give you some appreciation of the task before us. The Cameron Chapter is one of the 18 Chapters that, in whole or in part, were subject to the Bennett Freeze. It is located about 25 miles from here, and the entire area of this Chapter was subject to the Freeze. It also is an area that the U.S. District Court determined in its September 25, 1992 decision had not been subject to substantial use by the Hopi Tribe either in 1934 or today.

With the Freeze now lifted for Cameron Chapter, we are facing a backlog of public works, governmental and private sector projects that are desperately needed by the

local community. Among the top priorities are a new school for the Cameron community. As evidenced in the attached letter from Dr. Hector Tahu, Superintendent of the Tuba City Unified School District No. 15, the Moenkopi Board of Directors repeatedly refused over a period of years to consent to the School Board's request to build a new school in Cameron, or even to initiate archaeological testing on a proposed site. However, as described in the letter, with Judge Carroll's decision lifting the Freeze, the School Board has proceeded with site selection and other pre-construction activities. The Board has approximately \$3.5 million in funds in its capital account, virtually all of which will be needed to build the Cameron school.

Having gotten this far, the Board now faces two new problems that must be addressed. First, if the Cameron school is fully funded by the School Board, the School District will have no funds left in its capital account. It also will have essentially exhausted its bonding capacity, so other sources of funds will have to be found for other critical school projects. The immediate concern is the need for a new school in the Gap, which now has only a preschool housed in a double wide trailer purchased in 1975. The second problem, as described below, is that the Cameron sewage lagoon and water facilities are not adequate to meet the needs of the new school. As a result, the school will be built with its own well and sewage facilities, significantly increasing the overall expense of the project. Initial drilling of the water well alone has already cost in excess of \$100,000, and it is clear that several hundred thousand dollars more will be required to provide water and sewage service to the school. These costs would not have to be included in the cost of school construction if the Freeze had not prevented the development of adequate public facilities.

Another example involves a business establishment that is located on the former Bennett Freeze area, and the efforts of that business to expand its operations now that the Freeze has been lifted. The business, Junction Enterprises, is owned by Robert Simpson, who will testify on a later panel and share with you his perspective on this problem. I would like to discuss the problem from the perspective of the governmental entity that has been tasked with developing a plan to rebuild the infrastructure of this area.

Mr. Simpson has been trying to expand Junction Enterprises, a Cameron business that includes a convenience store, gasoline station, and an RV trailer park. He is planning to build a new motel and restaurant. As many of you who have driven Route 89 up from Flagstaff may have noticed, there are very few businesses on that road—despite the many number of cars and trucks that use the road and need the services that such businesses would provide. The reason there are so few businesses is, quite simply, that the Bennett Freeze prevented the development of any new businesses along most of this road for the past 27 years. The businesses you do see are, for the most part, on fee lands. For a range of historical reasons, these lands are not part of the Navajo Reservation and, therefore, were not subject to the Freeze. Mr. Simpson's business is on the Navajo Reservation and, as I am sure he will tell you, it was subject to the Freeze.

The current problem is that the infrastructure necessary for Mr. Simpson to expand his business simply is not there. The Navajo Nation wants Junction Enterprises to expand—assuming, of course, that it meets all environmental and other requirements and the relevant permits and approvals can be granted. This should mean new jobs and new money for the Navajo Nation, both during construction and once the expansion is complete. Economic development of this sort will be critical to the rebuilding of the economy of the former Bennett Freeze area.

However, as I noted above, the critical infrastructure necessary to support the expansion of this one business—as well as the additional economic development that will be necessary to provide jobs and vitality to the communities of the former Bennett Freeze area—has been devastated by over 26 years of forced neglect. The current roadblock is the inadequacy of the Cameron sewage lagoon. It is barely adequate to support the existing community and businesses, and it recently was determined that it is inadequate to support the expansion of Junction Enterprises. It may cost several hundred thousand dollars, or more, to expand the sewage lagoon in Cameron to be able to manage the increased wastes created by this and other development projects. What this does, in effect, is convert the expansion of a private business, using private funds, into a project that, of necessity, will require substantial public investment before the private investment can go forward.

With these examples as a basis, let me draw a comparison with what economic development is like for most local communities—communities that have not experienced an almost 27-year ban on infrastructure development. These local communities can attract business to their area by offering various incentives—building a new interchange on the road to handle the traffic the new business will attract,

"heavying-up" the water main and the electric power line that serve a proposed plant location, and perhaps tax breaks, loans or other financial incentives.

Compare this with the economic development on the former Bennett Freeze area. The Navajo Nation cannot offer to add an interchange to the road because, in many instances, there is no road. The water main and the electric power line are not there either. And, unless there is some dramatic change, the Navajo Nation will not have the financial resources to provide even minimal financial incentives to attract economic development and help make this area self-supporting over the longer term.

The Statutory Freeze Redevelopment Task Force was formed for the purpose of planning and coordinating the development of the infrastructure necessary to rebuild this area—not only the businesses in the area but the homes and communities as well. Tom Tippeconnic, the Assistant Area Director for the BIA, is a member of the Task Force because his office is responsible for road maintenance and construction throughout significant portions of the Navajo Nation, including the former Bennett Freeze area. The potential for economic development and self-sufficiency for the residents of the former Bennett Freeze area is directly related to the upkeep and improvement of the roadway infrastructure. Roads provide access to markets for agricultural products, routes for school bus services, and a way to get housing construction materials to new and existing homesites. Roads also are a necessity for economic development and tourism. Investment in this infrastructure is a key component in the overall program of improvements to the region.

Other members of the Task Force are responsible for education, housing, range restoration and management, water resources, and electric power and water development. They include Lewis Fox, who will testify later today regarding the water, sewer and waste disposal needs of the area, and Arnold Dohi who will testify on plans to build new electric power lines and water lines in the area. Also, as I mentioned earlier, Herb Yazzie, the Attorney General of the Navajo Nation, who accompanies me here today is a member of the Task Force. A complete list of the Task Force is attached to my testimony.

Where are we in this process? Quite frankly, Mr. Chairman, we are at the very beginning. The Task Force is only now completing our initial needs assessment of the former Bennett Freeze area, and we are in the process of developing cost assessments for the enormous amount of work that needs to be done in every one of the areas that I mentioned above. As I trust was evident from the examples given above, there is so much work that needs to be done to the basic infrastructure of the area that it is hard to find the best place to start.

There also are the immediate priorities related to the health and safety problems caused by 27 years of neglect. Hundreds of homes in the area are overcrowded and in severe danger of collapse. Most leak badly, and none have indoor plumbing or toilets. Without electricity, food spoils and homes become unbearably cold in the winter and hot in the summer. Many of these homes are not even accessible in bad weather because the roads are unpaved and treacherous. Once again, Mr. Chairman, the question is where to start.

One fact is clear, however, and it is that the resources of the Navajo Nation alone are inadequate to rebuild the former Bennett Freeze area. We need, I believe, to do the equivalent of declaring a "state of emergency." It is not the type of emergency that occurs suddenly, like a hurricane or the flooding that has now paralyzed the Mississippi River and many of the local communities that depend upon the river for their vitality. Rather, it is an emergency that has been building now for over 26 years.

Unlike a hurricane or a flood, the tragedy that was the Bennett Freeze could—and should—have been prevented. However, as is the case with a natural disaster that overwhelms local and state resources, it is appropriate that the federal government step in to help with the clean-up. In this case, I believe that is even more appropriate because it is the United States government that created the Bennett Freeze and allowed it to continue for over 26 years.

Mr. Chairman, the very essence of the American dream was stifled by the creation of the 1934 Bennett Freeze. We were frozen in time for almost 27 years, while the rest of the Nation grew and prospered. The government is only as great as its people, the people as great as their dreams.

We still have a choice, to stand and be proud people once more. To stand the tallest and the straightest in times of difficulty. We believe in the principles, the foundation this country is based on.

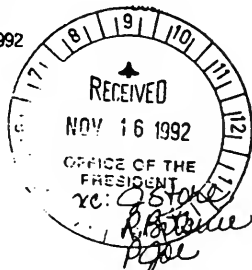
We only ask for an equal opportunity to participate in an economic system, a free enterprise system, a private enterprise system that makes us productive to pursue the life, the prosperity and the pursuit of happiness.

Thank you for the opportunity to testify, and I welcome any questions you may have.

LETTER FROM TUBA CITY UNIFIED SCHOOL
DISTRICT NO. 15

November 9, 1992

Honorable Vernon Masayesva
Hopi Tribal Chairman
P. O. Box 123
Kykoismovi, AZ 86039



Dear Mr. Masayesva:

This is to formally notify the Hopi Tribe that we will proceed with the archaeological testing at the new Cameron School site on Thursday, November 12, 1992.

Since August, we have earnestly attempted to work with your community leaders in hopes of moving a step closer to realizing a new school for the Cameron community. On several occasions we approached the Moenkopi Board of Directors for consent to initiate the required testing plan. Instead, our request was delayed with having to address questions not specific to the consent we were seeking. We also provided copies of reports several times only to be asked for the same again later.

On October 27, the Board of Directors finally agreed to recommend the Hopi Tribe's approval. Our request would now proceed through the Natural Resources Committee and the Hopi Tribal Council; and anticipate a response by December or January. This is an extensive delay we cannot accept as several aspects of site acquisition hinge upon completing this testing and the archaeological clearance.

The new school site is in Section #9...an area the Navajo Tribe purchased from the Babbitt Brothers Land Company on March 30, 1932. Along with the "lifting of the freeze" on September 25, Federal District Court Judge Earl Carroll excluded Navajo purchased lands from Hopi claims. This decision thus gives us the latitude to proceed without Hopi consent.

Therefore, unless we are otherwise advised, the excavation activity will begin November 12. A copy of the plan is enclosed for your information.

If any questions, please call me at (602) 283-4211.

Sincerely,


Dr. Hector Tahu
Superintendent

Enclosures

STATUTORY FREEZE REDEVELOPMENT TASK FORCE

1. Stanley Robbins (602) 871-6389
Council Delegate
Post Office Box 2065
Chinle, AZ 86503
2. Arnold Dohi (602) 697-3574/3575/3623
District Manager FAX (602) 697-3349 @ Holiday
Navajo Tribal Utility Authority Inn
Post Office Box 37
Kayenta, AZ 86033
3. Lew Fox (602) 871-5852
Deputy Director
Office of Environmental Health
Navajo Area Indian Health Service
Post Office Drawer G
Window Rock, AZ 86515
4. Ernest Pahe (602) 871-6094
ASO II
Division of Community Development
The Navajo Nation
Post Office Box 2120
Window Rock, AZ 86515
5. Tom Chabin (602) 283-5357
Coconino County Board of Supervisors (602) 779-6693
Post Office Box 2936 FAX (602) 779-6687
Tuba City, AZ 86045
6. Tom Tippeconnic (505) 863-8261
Assistant Area Director FAX (505) 863-8245
BIA-Navajo Area Office
Post Office Box 1060
Gallup, NM 87305-1060
7. Herb Yazzie (602) 871-6345
Attorney General
Office of the Attorney General
The Navajo Nation
Post Office Box 2010
Window Rock, Az 86515

SUMMARY STATEMENT OF HERB YAZZIE

Senator DECONCINI. Mr. Yazzie, do you have a statement?

Mr. YAZZIE. Yes.

Senator DECONCINI. If you would summarize that for us, please, we will put the full statement in the record.

Mr. YAZZIE. Thank you, Senator, and staff of the Senator from West Virginia. I want to thank you for the opportunity to make a brief statement. I want to make a couple of points that I do not want lost in these hearings. We are here to impress upon you the enormity of the tragedy that has been imposed upon the residents of the freeze area and I wish none of the statements that have been made to belittle that tragedy.

What, from my perspective, has happened over the 27 years is that through the action of the Federal Government, a dispute between two tribes has been used to punish Navajo people for the simple reason that they have lived in that area for generations. The U.S. Government, through the desire of the bureaucracy, have taken sides in that dispute, and Congress, whether knowingly or not, in 1980 codified that administrative measure and, in fact, made it easier to impose this hardship upon the Navajo.

What happened in 1980 is that it was left to the Hopi Tribe to freeze up to one-half of the area without ever having to substantiate that claim. It was only two decades later that the courts finally made the decision, but in the meantime people suffered.

Now the weapon, if you will, that was handed to the Hopi people was used to stifle and to punish Navajo people. I will give you just one example of what I mean. The 1934 law clearly exempted allotments from the freeze, from litigation. Despite that and despite open court comments by the Hopi Tribe that that was, in fact, true, the Hopi Tribe in 1991 challenged the construction of a facility meant to service handicapped people here in this area, the center for handicapped children.

PREPARED STATEMENT

That site was constructed on an allotment, but the Hopi Tribe made every effort to stop construction. It was only with the court decision that they were finally left alone to construct—to further the construction of the building. That is just an example of how this administrative measure turned into statute has been used against the people.

Thank you.

Senator DECONCINI. Mr. Yazzie, thank you very much for that explanation.

[The statement follows:]

STATEMENT OF HERB YAZZIE

My name is Herb Yazzie, and I am the Attorney General of the Navajo Nation. I am submitting this written statement to make a simple point that I do not wish to be lost in the testimony you will hear today: By imposing and maintaining the Freeze for the past twenty-seven years, the United States government has in a very real sense taken sides in the Navajo-Hopi land dispute and delivered the Navajo Nation into the hands of the Hopi Tribe.

In 1966, when Commissioner Bennett first imposed the Freeze, he said "the period of hardships * * * would be shortened materially by a friendly confrontation of the tribes, to the end that in face-to-face talks they might agreeably negotiate

out what they consider to be their respective interests * * * .” But by failing to limit the Freeze to the area in legitimate dispute, and largely excluding the Hopi Tribe from the Freeze’s effects, the government has ensured that the “period of hardships” would drag on as it has for over 27 years, and that even today, the Hopi Tribe would be pushing for its continuation, as it is now doing on appeal in the 1934 Act litigation.

This is not mere rhetoric:

- It cannot be disputed that the Freeze was imposed in 1966 at the urging of Hopi Tribe. To quote Abbott Sekaquaptewa, former Chairman of the Hopi Tribe: “we worked very, very hard on that in the early ‘60s until the order finally came through in 1966.”
 - The Freeze was imposed by the United States government eight years before Congress authorized the Hopi Tribe to file its lawsuit asserting an interest in the Navajo Reservation, and over two decades before the Hopi Tribe presented a shred of evidence in support of its claim. As a result, the 1.5 million acre area of the Freeze was grossly overbroad and has never born any relation to the lands where the Hopi Tribe had a colorable claim.
 - Moreover, in 1980, when Congress codified the Freeze to all “lands in litigation,” the government effectively left it to the Hopi Tribe to define the area of the Freeze. If the Hopi Tribe merely claimed Navajo lands in the litigation (regardless of whether there was any evidence to support the claim), the Freeze would attach.
 - To aggravate matters, for the past twenty years, the government has excluded the Hopis from the effects of the Freeze. To understand how this worked, you must appreciate that Hopis are a village people, and that all Hopis living on the Navajo Reservation (except a handful in Tuba City) live within the single village of Moencopi. In 1972, the federal government completely excluded the village of Moencopi from the Freeze, except for restrictions relating to water wells. Thus, when a Hopi family has wanted to build or expand a home, or have electricity, running water or an indoor toilet, it could do so freely.
 - In contrast, if the thousands of Navajos affected by the Freeze wanted an exception, the government sent them to the Hopi Tribe, who virtually never granted relief. For example, on August 23, 1982 “the Hopi Negotiating Committee * * * unanimously voted to place a moratorium on any and all construction activities * * * within the [government Freeze area]” and further informed the Navajo Nation that “the Committee has postponed the processing of all construction applications for the (government Freeze area) for the indefinite future” As admitted by the Hopi Tribe in *Masayeva v. Zah*, the recent 1934 Act litigation in United States District Court: “the Hopi Tribal Council must approve any new residential construction in the Bennett Freeze area, and has never done so.”
 - While routinely denying Navajo construction requests, the Hopi Tribe at the same time carried out an institutional “Freeze enforcement” program, in which it aggressively sought to prevent even activities that were essential to the health and safety of Navajo people in the Freeze area. For example:
 - The Hopi Tribe’s Office of Hopi Lands hired 6 full-time “Field Monitors” whose job it was to patrol the entire 1½ million acre Freeze area by helicopter and land, taking photographs, and threatening Navajos who the Hopis believed were in violation of the Freeze.
 - As interpreted by the Hopi Tribe, “illegal” Navajo activities included such harmless tasks as repairing dilapidated homes, patching holes in roofs or walls, replacing broken windows or doors, or repairing windmills or fences. According to Clayton Honeyumptewa, who was in charge of the Hopi Tribe’s enforcement program, even painting a house was prohibited by the Freeze. Applying this interpretation, these Hopi Field Monitors have for years trespassed upon Navajo residence sites, confronting residents and posting an official-looking “notice to cease illegal development on the Bennett freeze order area,” which threatened that “you will be held accountable if you fail to comply with the law.” (Attached)
- As a final note, I would point out that the arbitrariness and overbreadth of the government’s Freeze has been born out in the findings of the United States District Court in the 1934 Act proceedings. After all of these years of litigation and suffering, the best the Hopi Tribe could do was prove that it has used less than 200,000 acres of the 1.5 million acres of the Freeze, and most of that 200,000 acres was used to a greater extent by Navajos. If any effort had been made by the government to limit the Freeze to the area in legitimate dispute, much of the damage that brings us here today would have never occurred, and the Navajos living on 1.3 million acres of land would have never been unnecessarily punished. Yes. From my perspec-

tive, my people were indeed punished, for living where they have lived for generations, simply because the government felt it would be easier to put them on ice rather than deal with the problem.

What we are left with from any perspective is tragedy of unbelievable proportions. On behalf of the Navajo people, I urge you to work with the Navajo Nation to rebuild this area and to undo the great harm for which the Freeze has been responsible.

NOTICE TO CEASE ILLEGAL DEVELOPMENT
ON THE BENNETT FREEZE ORDER AREA

Date: March 16, 1989, Thursday

to the Navajo.

TO: THE STATE S. & G. CO. AND The Tuba City Chapter
ALL PERSONS AT THIS SITE ENGAGED IN ILLEGAL DEVELOPMENT

ACCORDING TO AN ACT OF CONGRESS, PUBLIC LAW 93-531, DECEMBER 22, 1974 AND BY PUBLIC LAW 96-305, JULY 8, 1980 AS AMENDED, SECTION 3., "(f) ANY DEVELOPMENT OF LANDS IN LITIGATION PURSUANT TO SECTION 8 OF THIS ACT AND FURTHER DEFINED AS THAT PORTION OF THE NAVAJO RESERVATION LYING WEST OF THE EXECUTIVE ORDER RESERVATION OF 1882 AND BOUNDED ON THE NORTH AND SOUTH BY WESTERLY EXTENSIONS, TO THE RESERVATION LINE. OF THE NORTHERN AND SOUTHERN BOUNDARIES OF SAID EXECUTIVE ORDER RESERVATION, SHALL BE CARRIED OUT ONLY UPON THE WRITTEN CONSENT OF EACH TRIBE EXCEPT FOR THE LIMITED AREAS AROUND THE VILLAGE OF MOENKOPI AND AROUND TUBA CITY. EACH SUCH AREA HAS BEEN HERETOFORE DESIGNATED BY THE SECRETARY. 'DEVELOPMENT' AS USED HEREIN SHALL MEAN ANY NEW CONSTRUCTION OR IMPROVEMENT TO THE PROPERTY AND FURTHER INCLUDES PUBLIC WORK PROJECTS, POWER AND WATER LINES, PUBLIC AGENCY IMPROVEMENTS AND ASSOCIATED RIGHTS-OF-WAY." ANY DEVELOPMENT OR IMPROVEMENT TO THIS PROPERTY SHOULD STOP IMMEDIATELY UNTIL YOU GET CONSENT FROM BOTH THE HOPI AND NAVAJO TRIBES. YOU WILL BE HELD ACCOUNTABLE IF YOU FAIL TO COMPLY WITH THE LAW. ATTACHED IS A MAP OF THE AREA APPLICABLE TO THIS LAW, SOMETIMES REFERRED TO AS THE "BENNETT FREEZE ORDER AREA." ANY QUESTIONS SHOULD BE DIRECTED TO THE FOLLOWING: OFFICE OF HOPI LANDS, THE HOPI TRIBE, P.O. BOX 123, KYKOTSMOVI, ARIZONA 86039, PHONE: (802) 734-2503.

POSTED BY: Clayton Hongaytem, OHL, Field Manager
PRINT NAME: Clayton Hongaytem *7 Billboards*
SIGNATURE: March 16, 1989.
DATE

cc: Navajo/Hopi Land Development Office *Contact Leslie Dels at Tuba City Chapter Office.*
THE NAVAJO TRIBE

Roy + Kellman - Supervisor

SUMMARY STATEMENT OF KELSEY BEGAYE

Senator DECONCINI. Mr. Begaye, if you will summarize your statement we will put the full statement in the record.

Mr. BEGAYE. Thank you, Mr. Chairman. Thank you for coming to Tuba City and holding the hearing today. I am Kelsey A.

Begaye, a council delegate from the Kaibeto Chapter. I also serve as president of the Western Navajo Agency Council, an advisory council that helps set priorities for directing Government assistance and programs for this area of the Navajo Nation.

For my own perspective as president of the Western Navajo Agency Council, the end of the freeze presents a new and challenging problem. It used to be that planning for the Western Navajo Agency was made easier because the freeze was in place. Even though it was apparent that there were significant needs on these lands for public works programs to provide roads, power and water lines, and other services, the freeze kept us from the difficult problem of determining the priority that should be placed on these projects. We did not have to balance the enormous needs of the former Bennett freeze area with the competing needs of other areas of the Western Navajo Agency.

The problem we face is even greater than it would be were the freeze never to have occurred. The needs of the former Bennett freeze area are, in many ways, simply overwhelming. I have attached to my testimony a statement of need for the former Bennett freeze area, focusing on the chapter that I represent, the Kaibeto Chapter. As you can see, the needs exist in virtually every possible area: roads, housing, water, power, health care, education, range management, and windmill repair.

There is, I believe, only one way to resolve this problem, and that is to bring in additional resources to address the needs on the former Bennett freeze area, and the rest of the Navajo Nation. That is where the U.S. Government must play a role. The Federal Government must provide assistance to rebuild the former Bennett freeze area, and in providing that assistance it must not take away from other areas of the Navajo Nation and other tribes across the country.

PREPARED STATEMENT

Mr. Chairman, these people that reside in the former Bennett freeze area still do not believe that the freeze is over, because I believe the freeze has taken away from them their capacity to hope and to look to the future. It is my hope that this hearing will be an important step in having these people believe that the freeze is ended and that it is all right to have hope once again.

Thank you, Mr. Chairman.

[The statement follows:]

STATEMENT OF KELSEY A. BEGAYE

Mr. Chairman, thank you for coming to Tuba City and holding this hearing today. I am Kelsey A. Begaye, a Council Delegate from the Kaibeto Chapter. I also serve as President of the Western Navajo Agency Council; an advisory Council that helps set priorities for directing government assistance and programs to this area of the Navajo Nation.

For those of us who lived through the more than 26 years of the Bennett Freeze, this hearing gives us hope that the U.S. government may finally be listening to us. I am honored to have this opportunity to speak on behalf of the Navajos living in the Western Agency. Senator DeConcini, we appreciate your willingness and that of the Subcommittee, to listen to what we have to say.

In many respects, my comments today will be similar to those of other witnesses. The Bennett Freeze left enormous damages in its wake. Now that the Freeze has

been lifted for most of the 1.5 million acres to which is applied, it is time to turn to the significant task of putting the area back together again.

From my own perspective, as President of the Western Navajo Agency Council, the end of the Freeze presents a new and challenging problem. It used to be that planning for the Western Navajo Agency was made easier because the Freeze was in place. Even though it was apparent that there were significant needs on these lands for public works programs to provide roads, power and water lines, and other services, the Freeze kept us from the difficult problem of determining the priority that should be placed on these projects. We did not have to balance the enormous needs of the former Bennett Freeze area with the competing needs of the other areas of the Western Navajo Agency.

The problem we face is even greater than it would be were the Freeze never to have occurred. The needs of the former Bennett Freeze area are, in many ways, simply overwhelming. I have attached to my testimony a "Statement of Need for Former Bennett Freeze Area," focusing on the Kaibeto Chapter that I represent. As you can see, the needs exist in virtually every possible area—roads, housing, water, power, health care, education and range management and windmill repair.

How can these needs be compared with those of other portions of the Navajo Nation? After over 26 years of getting nothing, one could argue that it is only fair that this portion of the Nation get all that it asks for—and more. But that is not possible, given the needs of the other portions of the Western Navajo Agency, and the rest of the Navajo Nation. That is the challenge that we face.

There is, I believe, only one way to resolve this problem, and that is to bring in additional resources to address the needs on the former Bennett Freeze area, and the rest of the Navajo Nation. That is where the U.S. government must play a role. The federal government must provide assistance to rebuild the former Bennett Freeze area. And in providing that assistance, it must not take away from the other areas of the Navajo Nation and other tribes across the country.

Mr. Chairman, that is the message that I would like this Subcommittee, and the entire U.S. Congress, to hear. We need your help. The U.S. government caused this Freeze to occur, and it is fair that the U.S. government provide this help.

In closing, I would like to share with the Subcommittee something I have heard from many residents of the former Bennett Freeze area. As I have spoken with these residents since the District Court's decision in September, I have heard repeatedly that the people do not believe that the Freeze is really over. No matter how much we explain the Court decision, they simply do not believe that this terrible chapter in their lives may finally be over.

Mr. Chairman, these people do not believe that the Freeze is over because, I believe, this Freeze has taken away from them their capacity to hope and to look to the future. It is my hope that this hearing will be an important step in having these people believe that the Freeze is ended and that it is all right to have hope once again.

Thank you.

STATEMENT OF NEED FOR FORMER BENNETT FREEZE AREA

The past twenty-six (26) years have been devastating for families residing within the Former Bennett Freeze Area. Approximately 35–38 homes totalling to 250 or more family members have been denied development and other services in the portion that extends into the Kaibeto Chapter area.

The residents of this area have been neglected and underserved due to the high demand for development and other services by other chapters within the Former Bennett Freeze Area who were represented through the Navajo-Hopi Land Commission.

To date, the residents within the Kaibeto Chapter area affected by the former freeze are in need of the following:

1. Adequate roads, mainly bus routes.
2. Earth dams restoration and/or rehabilitation.
3. Housing is a definite need due to many families residing within the Former Bennett Freeze Area with school-age students who need running water and electricity for personal hygiene and homework. The housing need includes renovation and repair work in the present homes.
4. Waterline extension need to be provided for these homes so that families can have safe drinking water and adequate water supply for other needs. There are enough homes to justify a waterline project.

5. Powerline extension need to be provided for electricity which can benefit the elderly and students alike. Electricity will provide adequate heating and cooking for the families.

6. As an alternate source of electricity, perhaps a solar project can be initiated and supported in place of the much expensive powerline.

7. The need for health care is also a demand because Behavioral and Social Services are lacking at the present time.

8. Windmill repairs are needed to insure that they are in full operation to store water for livestock especially during the drought season. Due to lack of operational windmills, chapters spend a lot of money by which takes away from other chapters.

The Kaibeto Chapter believes that more concentration on their area that is affected needs to take place by Commission, Boards, and elected officials so that the residents within this area can benefit from services. Each need that is listed have not been addressed within the past twenty-six (26) years.

The Kaibeto Chapter also has proposals in place for water/powerlines, housing, fire station, preschool, multi-purpose building, laundromat, Chapter House addition/renovation, and a transfer station that need funding but funds aren't available from the County and the Navajo Nation. These projects should be considered too because they will be of service to the Former Bennett Freeze residents along with the Kaibeto Chapter.

Senator DECONCINI. Mr. Begaye, thank you very much. Let me ask a question or two. There is little question in my mind, and I think the record shows that the people within the Bennett freeze have been deprived of any capability of improvements, though there have been some granting of permission. I am sure that the chairman of the Hopi Tribe is correct. And, Mr. Yazzie, you point out examples where they were denied that approval.

What is the commitment now, Mr. Gorman, from the Navajo Council, national council? Realizing your budget restraints are not without great pressure, as we are in the Federal Government, will there be a program directly for the freeze area, or will it be left to participate in the normal course of available funds for all Navajos?

Mr. GORMAN. Thank you, Senator DeConcini, for the question. The answer is that we have 110 chapters and with the general funds of the Navajo Nation we cannot treat any of the chapters any differently than one from another. And those chapters that are affected within the Bennett freeze will get their fair share, as others do. That is the way they would be treated in the formulation of the budgets.

Senator DECONCINI. Thank you. There is no provision for making up for what they could not have because of the freeze.

Mr. GORMAN. Not with the general fund moneys; no.

Senator DECONCINI. Thank you very much.

Now regarding Mr. Yazzie, your office also is responsible to help process the requests that were made to make improvements. Do you have a list? I would like to know some of the requests that have been turned down. Can you supply us with just a summary for the record of some of the best examples where they were turned down and, quite frankly, also some of the ones that were approved?

I would like the record to be more clear on just how many were accepted and how many were turned down by the Hopi Land Office. Do you have that available information?

Mr. YAZZIE. Thank you, Senator. I will give you a few examples and we will be glad to supplement the record with further examples and details.

Senator DECONCINI. Yes; I just want it for the record. I do not really want to get into the debate about it, but I would like the record, if you have such a record, if you could provide us with some

examples that you know were approved, to be fair, but also some of those that were disapproved, and the specifics if you can.

Mr. YAZZIE. It took an official reverse of a long-standing policy of denial to get two facilities constructed in this area, and those are the only real public ones that I am aware of, this very high school that we sit in and the hospital. Other than that—

Senator DECONCINI. Those were denied and then they were approved by the secretary.

Mr. YAZZIE. Yes; the West Tuba City water distribution system; power line extensions to homes near Cameron; water distribution systems in Kerley Valley; water and waste disposal facilities in the Gap/Cedar Ridge area of Cameron, Monave; numerous road projects.

Senator DECONCINI. Those were all turned down.

Mr. YAZZIE. Those were all denied.

Senator DECONCINI. Were those appealed, also?

Mr. YAZZIE. Yes; and what I do want to emphasize is that there was created a convoluted and very expensive system just to get the processing of those denials heard. And, in fact, the Navajo Nation had to create a special office here to represent people through that system, and we spent millions of dollars for that very purpose.

Senator DECONCINI. And the tribal council handles the cost of those appeals.

Mr. YAZZIE. Yes.

Senator DECONCINI. Not the individual. What about an individual that wants to add a room to his house, his home, or put a roof on. If he makes an application and it is denied, do you handle the appeal if he wants to appeal?

Mr. YAZZIE. Yes; we do.

Senator DECONCINI. And have you done that?

Mr. YAZZIE. Yes; there are people here in the audience who have been at that job for years. And, quite frankly, they are very overloaded in the representation of the individuals.

Senator DECONCINI. Thank you.

And finally, Mr. Robbins, you are the chairman of the Area Redevelopment Task Force. Are you putting together this task force, what President Zah discussed with us about the long-term plan of what you believe is necessary?

Mr. ROBBINS. Senator, we have already started the process. This task force was put together in October 1992. And we have begun the master plan. Basically, the first phase of the project is to do planning, like finance for land use plans, water development, roads, communication, schools.

Senator DECONCINI. And that is where the estimate of several hundred million dollars comes from.

Mr. ROBBINS. A large portion comes from that.

Senator DECONCINI. Over a 5- to 10-year period.

Mr. ROBBINS. Yes.

Senator DECONCINI. Thank you.

Gentlemen, thank you very much for your testimony. It was very helpful.

STATEMENTS OF:

SCOTT RUSSELL, PH.D., ADJUNCT PROFESSOR, ANTHROPOLOGY DEPARTMENT, ARIZONA STATE UNIVERSITY, TEMPE, AZ

LORENZO MOREZ, SR., VICE PRESIDENT, TUBA CITY CHAPTER, TUBA CITY, AZ

RENDA FOWLER, CHAPTER COORDINATOR, TONALEA CHAPTER, TONALEA, AZ

Senator DECONCINI. Our next panel will be a panel of Dr. Scott Russell, adjunct professor, anthropology, Arizona State University; Lorenzo Morez, vice president, Tuba City Chapter; and Renda Fowler, chapter coordinator, Tonalea Chapter.

Ladies and gentlemen, if you could come forward please. Due to time, if you could summarize your statement for us to 5 minutes, that would help us get through it here. I know your statements. I have looked at some of them. They are very impressive and we welcome them here.

We will start with you, Dr. Russell. If you would summarize your statement, your full statement will be put in the record. I have had a chance to look at it, by the way. Thank you for the explicit parts of it.

SUMMARY STATEMENT OF SCOTT RUSSELL

Dr. RUSSELL. Thank you, Senator. My name is Scott Russell. I am an anthropologist, a Ph.D. from Arizona State University. I have been working on the Navajo Reservation for 20 years, 10 of which have been within the freeze area and right around it. I have interviewed literally hundreds of people. I have been to hundreds of homes, hundreds of families. I have seen the conditions.

Because I am an Anglo going to talk to families in their homes, many people have told me about the problems that they have had with the freeze. I have had to contend with, many times, people crying on my shoulder about what can we do, or how can we get this fixed, how can my family come to live with me. That has gone on in all the 10 years that I have been here.

When one goes to areas outside the freeze, one sees a tremendous difference. One sees utilities. One sees phones, water. You do not see that in the freeze. It has made the life of the people here very difficult.

One point I would like to make real quickly is the impact on Navajo family structure of the freeze. You may know that the Navajos practice matrilineal residence, which is an important part of their culture and their system of land tenure. Under this system, when a young man marries he goes to live with the parents of his bride, building a home next to his mother-in-law and father-in-law, and perhaps his wife's sisters. In this way, elderly couples are sustained and taken care of by their daughters and son-in-laws.

Over the years, I have regularly visited families consisting of as many as four generations. Those families are outside the freeze now, because in the freeze when a young couple gets married they do not have the option of building a home next to their mothers and fathers. The support system for the elderly people, for the middle-aged people in terms of taking care of livestock, driving them

to the hospital, all those things are gone. They have suffered tremendously under that.

For the children that have grown up under poverty I am not sure much can be done now. For the elderly that have died literally in isolation because there was no place for their children to live next door to them, because the housing was not there, I am not sure that there is that much that can be done.

PREPARED STATEMENT

But I think in the next few years the United States can assist with funds, particularly with infrastructure development: housing, utilities. If you do that, I believe that people will come back, the children will come back to live with their parents and grandparents. That you will see differences, but it will take a concerted effort by the Navajo Nation and the Federal Government to achieve those goals.

Thank you.

Senator DECONCINI. Thank you very much.

[The statement follows:]

STATEMENT OF DR. SCOTT C. RUSSELL

Mr. Chairman, my name is Scott C. Russell. I am an Anthropologist who specializes in Native American cultures, with special emphasis on the Navajo Tribe. I received my Ph.D. in Anthropology in 1983 from Arizona State University, and I have published many articles and taught many university-level classes about Native Americans. I have also served as an expert witness for the Navajo Nation in the Navajo-Hopi land disputes, and conducted numerous studies concerning Native American alcohol abuse, ethnohistory, and economic development.

Since 1973, I have conducted regular research within the Navajo Reservation, much of it in the government Freeze area. Over the past 10 years, I have visited hundreds of Navajo homes in the area that was subject to the so-called "Bennett Freeze" and interviewed over a thousand residents of the area. Because I am Anglo, and Navajo people view the Freeze as an Anglo creation, I am often questioned by Navajos about why the Freeze was imposed on them. Over and over, I listened while practically all of them told the same story.

Based on my research and experience, I can say unequivocally that the government's Freeze policy has had direct and devastating consequences on virtually all Navajos living within the affected area. This includes forced separation of families, severe poverty, and intolerable living conditions. I can also say, from an anthropologist's perspective, that the Freeze has been directly responsible for the destruction of significant aspects of Navajo culture and religion among many Navajo in this region.

There is not time today for me to begin to address all of the effects of the Freeze. I would like, however, to touch on the following:

I. THE INABILITY TO CONSTRUCT AND REPAIR HOUSING

You may know that Navajos practice matrilineal residence, which is an important part of their culture and system of land tenure. Under this system, when a young man marries, he goes to live with the parents of his bride, building a home next to his mother-in-law and father-in-law, and perhaps his wife's married sisters. In this way, elderly couples are sustained by the families of their daughters, who gradually take over herding and farming responsibilities and contribute to the survival of the family group. Over the years, I have regularly visited families consisting of as many as four generations, all of whom live near and support one another. However, compared to the rest of the Navajo Reservation, multi-generational families have become uncommon within the Freeze area.

By prohibiting new construction, the government has effectively dismantled the matrilineal system within the Freeze area and caused the forced separation of hundreds of Navajo families who otherwise, following tradition, would have built next to their parents and grandparents. With the Freeze in place, married daughters

could no longer carry out their duty of support; they have been forced to the city or off-reservation, leaving the elderly to fend for themselves.

Even more, the Freeze has also been directly responsible for inflicting intolerable living conditions on the ones who remained, including gross overcrowding, lack of sanitation, and severe poverty. I have seen countless couples who lived in small hogans, barely adequate for two, who were prevented over the years from expanding to make room for their growing families. It is hard to explain to a family of 10 why they must live in a one-room shack, and cannot help themselves by building a new home or even adding a bedroom. I have known many people who were born and grew to adulthood in this bleak condition, simply because of the Freeze.

The Freeze's interference with repair and renovation of housing has compounded the problem. It is bad enough being unable to expand a tiny house to relieve overcrowding, but the Freeze even prevented families from keeping their homes in a safe and decent condition. I have seen numerous Hopi "Freeze notices," posted by Hopi officials on Navajo residences, simply because the Navajo families were attempting to fix a leaky roof or repair a broken window. These notices purported to officially inform the Navajo family that their activity was "illegal," threatening that "you will be held accountable if you fail to comply with the law." The result is that the 1.5 million acre former Freeze area is strewn with shacks and hogans that are absolutely unfit for human habitation, having gone without any repair or renovation for over 26 years. Some have collapsed, forcing the families to the city because the Freeze would not let them rebuild. Others may collapse tonight or tomorrow unless something is done.

I want to stress that all of these were taken for other purposes but it was a simple task to pull these examples from my files. If you want, I could provide you with countless others, all showing equally bad or worse conditions.

II. THE UNAVAILABILITY OF UTILITIES

As you know, the Freeze prevented Navajos in the Freeze area from enjoying any of the basic utilities that we now consider part of living in the developed world. Outside the immediate vicinity of Tuba City and Cameron, none of the Navajo homes I visited in this area had access to electricity, plumbing, or even flush toilets. Even homes right next to power and sewer lines were prohibited from hooking up.

It is difficult to imagine that these conditions exist in the United States in 1993. Perhaps in the developing world, but not in this country. No light for children to study by. No electric heat or cookstoves or refrigerators to keep food from spoiling. In the Freeze area, water must be hauled long distances by truck, and something as simple as a hot shower is not available without going to the city. For some people, simply hauling water is a daily chore that can consume several hours of the day.

It is hard enough to imagine enduring this for a week or a month. But for 27 years?

III. LACK OF PAVED ROADS

The final straw for many families has been the complete absence of paved roads, except for the highway, to get from their remote homes to visit friends or family members, to attend work or school, or to get to the grocery store or the hospital. This isolation is particularly devastating in the winter, when the dirt roads are alternately covered with snow and thick mud. I have four-wheel drive on my truck, which I use to visit Navajos living in this area. Even in good weather, it takes hours to visit some families. In bad weather, I do not even consider going.

It should be remembered that many of those living in the Freeze area who have refused to give up are elderly people, in their sixties, seventies, and eighties, who are particularly vulnerable to the isolation. They must depend on the good will of family members living in the city to take them over unpaved roads to the hospital, or bring them medication, food and supplies. Of course no one can be called in cases of emergency, because there are no telephones. There were none in 1966, and so there are none today.

In this way, the Freeze did (and still does) effectively imprison thousands of people on the 1½ million acres surrounding Tuba City, forcing them to choose between a life of poverty and loneliness, and moving from the land on which they have lived for generations.

IV. EFFECT ON NAVAJO ECONOMY

Finally, I would like to comment on the Navajo economy, which I have studied over the years.

Traditionally, Navajo people have supported themselves by a combination of herding livestock, outside employment, and supplemental activities such as farming and arts and crafts. Often, family groups will divide responsibilities, with one or more members being employed and others herding sheep and cattle, all working toward the common goal. I have already mentioned how the Freeze has interfered with these traditional support systems by separating families, forcing the young into the city. However, the government Freeze has further depressed the traditional Navajo economy by both (i) making it difficult or impossible to engage in herding, and (ii) affecting the availability of outside employment.

You might ask how the Freeze interferes with the herding of livestock, since it prohibits only development and improvement. The answer is that all livestock need corrals and windmills, both of which are covered by the Freeze. Livestock must also be cared for constantly, which is very difficult if you are forced by the Freeze to live in the city, and must drive miles over unpaved roads even to reach your corral. More importantly, sheep—the traditional livestock of the Navajo—demand daily care, and must be corralled each night to protect them from predators. This is virtually impossible unless one can build a home on the sheep's range, which of course was prohibited by the Freeze.

CONCLUSION

Much of the harm caused by the Freeze can never be undone. It is too late to help the children who have grown up in poverty, unsanitary and crowded conditions or the elderly who died in isolation, without the comfort and support of their families. But that is no reason not to address the rest of the problem.

Because of the Freeze, there are 1.5 million acres of Navajo land that have for over a quarter of a century been depressed and undeveloped. Much is needed. New housing. Decent housing. Paved roads. Electric and telephone lines. Sewers and water systems. Economic development programs.

In the normal course of affairs, these lands would have been the pride of the Navajo Nation, with their great natural beauty and their proximity to Tuba City, Flagstaff, the Hopi mesas, and the Grand Canyon. Instead, you have only to look around to see what they have become. I urge you to work with the Navajo Nation to solve the problems for which United States policy is in a very real sense responsible.

SUMMARY STATEMENT OF LORENZO MOREZ

Senator DECONCINI. We will put your full statement in the record. You may summarize it, please.

Mr. MOREZ. OK. Thank you, Senator DeConcini. My name is Lorenzo Morez and I am from Tuba City, vice president of the Tuba City Chapter. I also work at Grey Hills High School.

I also am a person in the Bennett freeze area. And my testimony is almost similar to Mr. Scott Russell here, that there are a lot of people asking for help. And like prior testimony, the effects still exist right now.

The Tuba City area has problems of the areas that were frozen, not only different from other areas but also family, and a family of elderly people, children and students to go home. And if a person lives in the Bennett freeze area and something happens to their home, like if they burn down, they cannot rebuild because of the regulations that are imposed on the Bennett freeze.

And then the families in the Bennett freeze area are also suffering from inadequate housing and lack of the following items: electricity, water, plumbing, telephones. And there has also been a survey which is in the packet, a survey that has been done within the Gap area, Bodaway area. And it shows you how many houses are not sufficiently wired with water, sewer, and whatnot.

And then we do have some power lines going through the Bennett freeze area coming from Page, and none of these power lines have extended to these housing areas through the Bennett freeze. It comes in from Page and it goes south to Phoenix, and none of

the houses in those areas are receiving any kind of electrical power from that line.

And the problem also with water facilities. We have no water. On a daily basis, I myself have to haul water to my residence where I live, and also for my livestock. And the price of gasoline, the price of equipment to keep the trucks running, are growing costly on a monthly basis. So this is also a hardship for myself and people within the area also, hardship for the same reason. We have to keep our trucks maintained; that is the only survivable way to live on the Bennett freeze area. Water, if you do not have water then your livestock are also in jeopardy.

PREPARED STATEMENT

And I also have a request from the veterans. I am also a veteran. We also have veterans that are looking for houses, and I would like to also state—I think it was also stated before, what I said that we also need some help with housing of the veterans.

Thank you.

Senator DECONCINI. Mr. Morez, thank you very much. Thank you for the specifics in your statement too, regarding the Gap area indicating the lack of wiring and other necessities that normal individuals have, and it is very very impressive that you put this together and thank you very much.

[The statement follows:]

STATEMENT OF LORENZO MOREZ

Mr. Chairman, my name is Lorenzo Moraz. My wife Patricia Morez and I have two sons, Lorenzo Jr. and Carlos. My position within Tuba City is Vice-President of the Tuba City Chapter. I am also employed at Grey Hills High School during the school year.

My testimony on the Former Bennett Freeze area describes the housing conditions of the residents of my chapter. Before I describe the conditions for those who lived on the Freeze, I would like to describe what the Freeze has meant for Tuba City. As you should know, Tuba City was not covered by the Freeze for the past 20 years. It was the one place for Navajos in the middle of this Freeze that was not subject to all of the restrictions.

In many ways, Tuba City had as many problems as the areas that were subject to the Freeze, only different. Because young people who were born on the Freeze land could not build homes near their families, many of them moved into Tuba City. It was the only place they could build a home that was near their families -- and even then, for many, the distances were very far on the bad roads. Other people who moved into Tuba City, were families that were relocated off of the Hopi Partitioned Lands. In many cases, these families moved before they were provided a house. And many of these families are still in Tuba City and they are still waiting for their house.

The other people who moved to Tuba City are people who could no longer stay in their homes on the land that was covered by the Bennett Freezes. If somebody's home burned down, the rules of the Freeze did not let them rebuild it. Or if a family lived in a hogan that was hit by lightning or where someone died, the Navajo religion does not permit the family to live in that hogan again. These families had no place else to go, so they came to Tuba City.

Tuba City is much bigger than it used to be. I understand that it has about three times more people than it did ten years ago. Tuba City does not have good homes for all of these people, and there are many who are living here in homes that are just as bad as on the Freeze. These are the types of problems that the Tuba City Chapter has to solve.

As for those families that stayed on the Bennett Freeze area, all the people have suffered from inadequate housing and a lack of the following items: electricity, water, plumbing, and telephone connections. I have conducted a house-by-house survey of the Gap/Bodaway Chapter to determine the needs of the Chapter now that the Bennett Freeze is over. I have attached that survey to my testimony. You can see from this survey that this Chapter has many problems that need to be taken care of.

The survey shows that only 9 of the 108 households in the Gap/Bodaway Chapter are connected to the powerline, even though 33 of these houses have wiring. This is true even though the power line from Page goes right through the Bennett Freeze area and not one single line has been used to give electrical power to the people. A connection to this line would be an easily accessible source of electricity for the residents, but due to the freeze such a solution was prohibited. Consequently, school aged children of families without power can only do their homework by the light of an oil lamp or a candle. Furthermore, with no electrical power, people can't have fresh milk, meat, and other items.

The lack of a water supply system is another source of hardship for the people. For example, during the summer months I have to haul water on a daily basis for both my family and my livestock. The distance I must travel to do so is thirty-seven miles one way. This makes a total of seventy-four miles round trip. Water is the most basic and most valuable source to keep both humans and animals alive. The people have no choice but to haul it in. All of the people in this area are in the same situation as I am during the summer months, but some must travel an even greater distance. With the price of gas and auto parts going up each month, this is the cause of major problems to the families. All of the people of the Bennett Freeze must have a vehicle in order to haul water, wood, and food to their homes.

I know of very few houses on the Bennett Freeze that have plumbing due to the rules of the Freeze. The survey showed that only 15 of the 106 homes have even bathroom plumbing. None of the homes in the Gap\Bodaway Chapter that we surveyed are connected to community sewer lines or have individual septic systems. If you look at the survey sheets that are attached, you will see that the status of the service is listed for each home. Under the column of "Proposed Facilities/Water", all of the homes that have an "F" have no water service right now and need to be served for the first time. Under the category of "Proposed Facilities/Water" and "Waste", each home that has an "A" or a "Z" does not now have service. Some people cannot even afford an outhouse so they have to run over the hill. This can cause health problems in both humans and livestock.

Because of the problem of the Bennett Freeze area, people could not repair or add on to homes they already have on land within the Freeze area. Some people still live in these conditions as of now, wanting help from our government, our chapter, and Window Rock.

Mr. Chairman, these needs should be taken care of as soon as possible.

GAP/BODAWAY CHAPTER
Post Office Box
The Gap, Arizona 86020

EXISTING SERVICES

House Wire	<u>33</u>
Powerline	<u>9</u>
Bathroom Addition	<u>29</u>
Bathroom Plumbing	<u>15</u>
Community Sewage Line	<u> </u>
Individual Septic	<u> </u>
Community Water Line	<u> </u>
Individual Cistern	<u> </u>

NON-EXISTING SERVICES

House Wire	<u>73</u>
Powerline	<u>111</u>
Bathroom Addition	<u>67</u>
a) Homes delapidated beyond repairs/addition.	<u>24</u>
Bathroom Plumbing	<u>86</u>
a) Homes delapidated beyond repairs/addition.	<u>18</u>
Community Sewer Line	<u>2</u>
Individual Septic	<u>103</u>
Community Water Line	<u>40</u>
Individual Cistern	<u>62</u>

Total number of Household: 108

Total number of people:

a) The population of the Gap/Bodway Chapter was not provided to our office.

Total number of homeless people

a) The population of the homeless people within the Bodaway chapter was not provided to our office.

BODAWAY/GAP CHAPTER IN FORMER BENNETT FREEZE AREANORTH OF THE CEDAR RIDGEHOUSING SERVICES

NAMES	NOT WIRED	WIRED	TYPE OF HOUSE
1. NOCKIDENEHE, Jimmie/Alice		Yes	House
2. MOUNTAINS, Lorraine		Yes	House
3. MOUNTAINS, Daise		Yes	House
4. BEGAY, Adam		Yes	House
5. ATTSITTY, Larry/Lousie	No		House
6. ZILTH, Leo/Rita		Yes	House
7. BEGAY, Hattie	No		Trailer
8. BEGAY, Jame E./Lorraine		Yes	House
9. SMITH, Jimmie/Ellen	No		House
10. GRAYMOUNTAIN, Lousie	No		House
11. DOUGI, Karen	No		House
12. DOUGI, Alexaver	No		House
13. MANYWHISKERS, Sonny/Esther	No		House
14. DOUGI, Mary		Yes	House
15. DOUGI, Kee/Bessie	No		House
16. DOUGI, Kee/Betty	No		House
17. BOONE, Kee/Maria		Yes	Trailer
18. HASKIE, Jr., Keith		Yes	Trailer
19. BEGAY, Leo	No		House
20. BEGAY, Frank	No		House
21. HOMER, Gary		Yes	House
22. HOMER, Kee/Mary	No		House
23. RODGER, Meredith/Lula		Yes	House
24. CHIEF, Paul		Yes	House
25. CHURCH-Cedar Ridge		Yes	House
26. NAKAIDENEH, Jerry	No		House
27. TACHEENE, Jennie		Yes	House
28. CLARK, Lester	No		House
29. NEZ, Bruce/Virigina	No		House
30. ETSITTY, Herman	No		House
31. BENALLY, Guy/Mary	No		House
<u>CEAR RIDGE AREA</u>			
1. TACHEENE, Elwood/Susianna	No		House
2. TISI, Charlie/Mary	No		House
3. NAKAI, Benjamin/Julia		Yes	Trailer
4. HATAHLIE, Bruce/Susie	No		House

6.	BUTLER, Roy Ray/ Nancy	No		House
7.	NEZ, Leslie/Marilyn		Yes	House
	. BIGMAN, Tom/Ruby	No		House
9.	BEGAY, Veronica	No		House
10.	BEGAY, Lucille	No		House
11.	BEGAY, David		Yes	House
	BLACK, Helen			
12.	MOTT, Anna		Yes	House
13.	SMITH, Leroy/Louise		Yes	House
14.	SLOAN, Robert.Evelyn	No		House
15.	SLOAN, George	No		House
16.	ACOTHLEY, Evelyn	No		Trailer
17.	SMITH, Howard/Helen	No		House
18.	TUNNEY, Billy/Alice		Yes	House
19.	TUNNEY, Aaron		Yes	House
20.	TSINNIE, Eula		Yes	House
21.	JOHN, Daniel/Alice	No		House
22.	DALE, Jim/Maria	No		House
<u>NORTH OF GAP AREA</u>				
	. JOHNSON, Pamela	No		House
2.	SMITH, Wayen/Peggy	No		House
3.	LITTLE, Nellie	No		House
<u>GAP AREA</u>				
1.	WHITEROCK, Eddie/Helen		Yes	House
2.	JOHN, Lorraine		Yes	House
3.	CHARLIE, Johnny/Gensieve	No		House
4.	JOHNSON, Dorothy	No		House
5.	SHUPLA, Effie		Yes	Trailer
6.	NEZ, Wille/Jean		Yes	House
7.	NEZ, Gary	No		House
8.	DEJOLIE, Loretta J.	No		House
9.	WILLIAMS, Fred/Stella	No		House
10.	HANKS, Harold/Edgerton	No		House
11.	TSO, Thomas/Pauline	No		House
12.	BOW, Pete/Mae	No		House
13.	YAZZIE, Larry/Irena		Yes	House
14.	GEORGE, Guy/Susie	No		House
15.	GEORGE, Lorraine	No		House
16.	BEGAY, Sally		Yes	House
17.	GEROGE, Allen/Grace	No		Trailer/House

18.	TSINNIJINNIE, Betty		Yes	House
19.	WILSON, Franklin/Mae		Yes	House
20.	LITTLE, Robert/Charlene		Yes	House
21.	JACKSON, Bessie Z.	No		Trailer
22.	REDHOUSE, Ray	No		House
23.	JOHNSON, Bennie	No		House
<u>SOUTH OF THE GAP AREA</u>				
1.	BEGAY, Sam/Alice	No		House
2.	TACHEENE, James/Marlene	No		House
3.	BEGAY, Sam/Sally		Yes	House
4.	YAZZIE, Ilane	No		House
5.	WILLIE, Bobby/Lula		Yes	House
6.	TALLMAN, Joe	No		House
	HOMER, Ada			
7.	WILLIE, Brenda	No		House
8.	TSOSIE, Harry/Betty	No		House
9.	WILLIE, Same/Freida	No		House
10.	BEGAY, Rosie	No		House
11.				
12.	HOMER, Marie	No		House
	HOMER, Roger/Rosa	No		House
14.	JOHN, Ben/Mae	No		House
15.	JOHN, Sherry	No		House
16.	JOHN, Homer	No		House
17.	JOHN, Alma	No		House
18.	JOHN, Spencer/Betty	No		House
19.	JAMES, Evelyn	No		House
20.	LEHI, Helen	No		House
21.	JOHN, Lewis/Mary Lou	No		House
22.	JOHN, Rachel	No		House
	LEHI, Johnny			
23.	JOHN, Rosa	No		House
24.	JOHN, Evens W.	No		House
25.	WILSON, Leland	No		House
26.	WILSON, Jane	No		House
27.	WILSON, Betty	No		House

NORTH OF CEDAR RIDGE

<u>NAME</u>	<u>HOUSE TYPE</u>	<u>PLUMBING ROD</u>	<u>BATHROOM ADDITION ROD</u>	<u>PROPOSED FACILITIES WATER/SEWER/WASTE SOL</u>		
	<u>Condition</u>					
1. Jimmie/Alice Nockideneh	H-2 (P)	YES	YES	F	A	NO
2. Lorraine Mountain	H-2 (P)	YES	YES	F	A	NO
3. Daisy Mountain	H-2 (P)	YES	YES	F	A	NO
4. Leo/Rita Ziith	(M) H-2 (P)	YES	NO	F	A	NC
5. Larry/Louise Ahsitty	H-2 (P)	YES	YES	F	A	NO
6. Hattie Begay	H-2 (G)	YES	YES	F	A	NO
7. Jimmie/Ellen Smith	H-2 (G)	YES	YES	F	A	NO
8. Alexanver Dougi	H-2 (P)	YES	YES	F	A	NO
9. Kee/Bessie Dougi	H-2 (P)	YES	YES	F	A	NC
10. Kee/Betty Dougi	H-2 (P)	YES	YES	F	A	NO
11. Keith Haskie Jr.	(M) H-2 (F)	NO	NO	D	A	NO
12. Leo Begay	H-2 (P)	YES	YES	F	A	NC
13. Frank Begay	H-2 (P)	YES	YES	F	A	NC
14. Francis/Susie Begay	H-2 (P)	YES	YES	F	A	NO
15. Kee/Mary Homer	H-2 (P)	YES	YES	F	A	NO
16. Paul Cheif	H-2 (F)	YES	YES	F	A	NC
17. Jerry Nakaideneh	H-2 (G)	YES	YES	F	A	NC
18. Bruce/Virginia Nez	H-2 (G)	YES	YES	F	A	NO
19. Herman Ztsitty	H-2 (G)	YES	YES	F	A	NO
20. Guy/Mary Benally	H-2 (P)	YES	YES	F	A	NO
21. Mary Dougi	H-2 (P)	YES	YES	F	A	NO
22. Sonny/Esther Manywhiskers	H-2 (P)	YES	YES	F	A	NO

CEDAR RIDGE

<u>NAME</u>	<u>HOUSE TYPE</u>	<u>PLUMBING ROD</u>	<u>BATHROOM ADDITION ROD</u>	<u>PROPOSED FACILITIES WATER/SEWER/WASTE SOL</u>		
	<u>Condition</u>					
1. Howard/Helen Smith	H-2 (P)	YES	YES	F	A	NO
2. Melvin/Evelyn Acoothley	H-2 (P)	YES	YES	F	A	NO
3. Robert/Evelyn Sloan	H-2 (G)	YES	YES	F	A	NO
4. George Sloan	(H) H-2 (G)	YES	NO	F	A	NO
5. Leroy/Laura Smith	(M) H-2 (G)	NO	NO	F	A	NO
6. Leonard/Maybell Sloan	H-2 (F)	NO	NO	F	A	NC
7. Anna Howe	H-2 (P)	YES	NO	F	A	NC
8. Lucille Begay	H-2 (P)	YES	YES	F	A	NO
9. Leonard Begay	H-2 (P)	YES	YES	F	A	NO

NORTH OF CEDAR RIDGE

<u>NAME</u>	<u>HOUSE TYPE</u>	<u>PLUMBING ROD</u>	<u>BATHROOM ADDITION ROD</u>	<u>PROPOSED FACILITIES</u> <u>WATER/SEWER/WASTE SOLID</u>		
	<u>Condition</u>					
1. Jimmie/Alice Nockideneh	H-2 (P)	YES	YES	F	A	NO
2. Lorraine Mountain	H-2 (P)	YES	YES	F	A	NO
3. Daisy Mountain	H-2 (P)	YES	YES	F	A	NO
4. Leo/Rita Kith	(H) H-2 (P)	YES	NO	F	A	NO
5. Larry/Louise Atsitty	H-2 (P)	YES	YES	F	A	NO
6. Hattie Begay	H-2 (G)	YES	YES	F	A	NO
7. Jimmie/Ellen Smith	H-2 (G)	YES	YES	F	A	NO
8. Alexanver Dougi	H-2 (P)	YES	YES	F	A	NO
9. Kee/Bessie Dougi	H-2 (P)	YES	YES	F	A	NO
10. Kee/Betty Dougi	H-2 (P)	YES	YES	F	A	NO
11. Keith Haskie Jr.	(H) H-2 (P)	NO	NO	B	A	NO
12. Leo Begay	H-2 (P)	YES	YES	F	A	NO
13. Frank Begay	H-2 (P)	YES	YES	F	A	NO
14. Francis/Susie Begay	H-2 (P)	YES	YES	F	A	NO
15. Kee/Mary Homer	H-2 (P)	YES	YES	F	A	NO
16. Paul Cheif	H-5 (P)	YES	YES	F	A	NO
17. Jerry Wakaideneh	H-2 (G)	YES	YES	F	A	NO
18. Bruce/Virginia Nes	H-2 (G)	YES	YES	F	A	NO
19. Herman Atsitty	H-5 (G)	YES	YES	F	A	NO
20. Guy/Mary Senally	H-2 (P)	YES	YES	F	A	NO
21. Mary Dougi	H-2 (P)	YES	YES	F	A	NO
22. Sonny/Esther Manywhiskers	H-2 (P)	YES	YES	F	A	NO

CEDAR RIDGE

<u>NAME</u>	<u>HOUSE TYPE</u>	<u>PLUMBING ROD</u>	<u>BATHROOM ADDITION ROD</u>	<u>PROPOSED FACILITIES</u> <u>WATER/SEWER/WASTE SOLID</u>		
	<u>Condition</u>					
1. Howard/Helen Smith	H-2 (P)	YES	YES	F	A	NO
2. Melvin/Evelyn Acotley	H-2 (P)	YES	YES	F	A	NO
3. Robert/Evelyn Sloan	H-2 (G)	YES	YES	F	A	NO
4. George Sloan	(H) H-2 (G)	YES	NO	F	A	NO
5. Leroy/Laura Smith	(H) H-2 (G)	NO	NO	F	A	NO
6. Leonard/Haybell Sloan	H-2 (P)	NO	NO	F	A	NO
7. Anne Mott	H-5 (P)	YES	NO	F	A	NO
8. Lucille Begay	H-2 (P)	YES	YES	F	A	NO
9. Veronica Begay	H-2 (P)	YES	YES	F	A	NO

GAP/BODAWAY CHAPTER
BENNETT FREEZE AREA

CEDAR RIDGE

<u>NAME</u>	<u>HOUSE TYPE</u>	<u>PLUMBING ROD</u>	<u>BATHROOM ADDITION</u>	<u>PROPOSED FACILITIES</u>	<u>WATER</u>	<u>SEWER</u>	<u>WASTE</u>	<u>S</u>
	<u>Condition</u>							
10. Leslie/Marilyn Nez	H-2 (G)	YES	NO	F	A			NO
11. Tom/Annie Hoover	H-3 (P)	YES	YES	F	A			NO
12. Bruce/Susie Batathlie	H-5 (G)	YES	YES	F	A			NC
13. Charlie/Mary Tisi	H-2 (P)	YES	YES	F	A			NO
14. Elwood/Susianne Tacheene	H-2 (P)	YES	YES	F	A			NO
15. Roy Ray/Nancy Butler	H-3 (G)	YES	YES	F	A			NC
16. Tom/Ruby Bigman	H-2 (G)	YES	YES	F	A			NC
17. Jim/Marie Little	H-3 (P)	YES	YES	F	A			NO
18. Tom/Maria Little	H-3 (P)	YES	YES	F	A			NO

NORTH OF GAP AREA

1. Wayne/Peggy Smith	H-2 (P)	YES	YES	F	A			NO
2. Pamela Johnson	H-2 (P)	YES	YES	F	A			NO

GAP AREA

1. Lee/Yazzie Redhouse	H-3 (F)	YES	YES	F	A			NO
2. Otis/Dorothy Grayeyes	H-3 (F)	YES	NO	F	A			NO
3. George/Joan Begay	H-3 (F)	NO	NO	F	A			NO
4. Franklin/Marie Secody	H-3 (F)	NO	NO	F	A			NO
5. Loretta J. Dejollie	H-2 (P)	YES	YES	F	A			NO
6. Raymond John	H-2 (P)	YES	NO	F	A			NO
7. Clearance/Rosita Redhouse	H-2 (G)	YES	NO	F	A			NO
8. Betty Tsinijine	H-3 (G)	NO	NO	F	A			NO
9. Franklin/Mae Wilson	H-3 (P)	NO	NO	F	A			NO
10. Robert/Charlene Little (M)	H-2 (P)	NO	NO	B	A			NO
11. Bessie Jackson	H-3 (P)	NO	NO	F	A			NO
12. Willie/Jean Nez	H-3 (G)	NO	NO	F	A			NO
13. Dorothy Johnson	H-3 (P)	YES	YES	F	A			NO
14. Johnny/Geneive Charlie	H-2 (G)	NO	NO	F	A			NO
15. Doris Begay	H-3 (G)	YES	YES	F	A			NO
16. Jimmie/Irene Begay	H-2 (G)	YES	YES	F	A			NO
17. Eddie/Helen Whiterock	H-3 (G)	YES	YES	F	A			NO
18. Harold/Edgerton Hanks	H-2 (P)	YES	YES	F	A			NO
19. Pete/Mae Bow	H-2 (P)	YES	YES	F	A			NO
20. Larry/Irene Yazzie	H-2 (P)	YES	YES	F	A			NO
21. Lorraine George	H-2 (P)	YES	YES	F	A			NO

NAMES	TYPE	ROD		ADDITION	WATER/SEWER/WASTE		
		Condition					
BEGAY, Sam/Alice	H-5 (P)	No	No	No	B	Z	Z
2. TACHEENE, James	H-5 (F)	No	No	No	B	Z	Z
3. TSOSIE, Harry	H-5 (P)	No	No	No	B	Z	Z
4. TALLMAN, Joe HOMER, Ada	H-5 (G)	No	No	No	B	Z	Z
5. WILLIE, Bobby/Lula	H-5 (P)	No	No	No	B	Z	Z
6. WILLIE, Sam/Frieda	H-5 (G)	No	No	No	B	Z	Z
7. BEGAY, Rosie	H-5 (G)	No	No	No	B	Z	Z
8. SELLER, Freida	H-5 (P)	No	No	No	B	Z	Z

HIDDEN SPRING COMMUNITY HOUSE PLUMBING BATHROOM PROPOSED FACILITIES SOLU
NAMES TYPE ROD ADDITION WATER/SEWER/WASTE

NAMES	TYPE	ROD		ADDITION	PROPOSED FACILITIES SOLU		
		Condition					
1. HOMER, Roger.Rose	H-2 (P)	No	No	No	B	Z	Z
2. HOMER, Marie	H-5 (P)	No	No	No	B	Z	Z
3. JOHN, Ben/Mae	H-5 (P)	No	No	No	B	Z	Z
4. JOHN, Sherry	H-2 (G)	No	No	No	B	Z	Z
5. BEGAY, Samual/sally	H-5 (G)	No	No	No	B	Z	Z
HOMER, John	H-5 (P)	No	No	No	B	Z	Z
7. Adam, John	H-5 (P)	No	No	No	B	Z	Z
8. SPENCER, Betty/John	H-5 (P)	No	No	No	B	Z	Z
9. JAMES, Evalyn (M)	H-5 (E)	No	No	No	B	Z	Z
10. LEHI, Helen	H-5 (P)	No	No	No	B	Z	Z
11. LEWIS, Marylou Lehi	H-5 (P)	No	No	No	B	Z	Z
12. JOHN, Rachel LEHI, Johnny	H-5 (P)	No	No	No	B	Z	Z
13. JOHN, Rose	H-5 (P)	No	No	No	B	Z	Z
14. JOHN, evans W.	H-5 (P)	No	No	No	B	Z	Z
15. WILSON, Leland	H-5 (P)	No	No	No	B	Z	Z
16. WILSON, Jane	H-5 (P)	No	No	No	B	Z	Z
17. WILSON, Betty	H-5 (P)	No	No	No	B	Z	Z
18. GEORGE, Guy/Susie	H-2 (P)	Yes	Yes	Yes	F	A	No
19. BEGAY, Sally	H-5 (G)	No	No	No	F	Z	No
20. TSO, Thomas/Pauline	H-2 (G)						

NOTES:

(M) Mobile Home

Condition of House (Poor, Good, Fair, Excellent)

H-5 New or Renovated housing

H-2 BIA-HIP housing (NHSD)

B-Above Minimal, community, first time served

F-Above Minimal, community system, previously served

I-No services provided

A-Above minimal, individual system, first time served

SUMMARY STATEMENT OF RENDA FOWLER

Senator DECONCINI. Ms. Fowler.

Ms. FOWLER. First of all, I would like to say thank you for the opportunity to testify this morning. And I am Renda Fowler, community services coordinator.

Senator DECONCINI. Can you pull that microphone closer to you, please? Speak right into it. Thank you.

Ms. FOWLER. I am Renda Fowler, community services coordinator with Tonalea Chapter of the Navajo Nation. And a substantial portion of the Tonalea Chapter was subject to the Bennett freeze.

My testimony will be on the impact of the freeze on my chapter. I feel that there is only one way to get a feel of the problems existing in the Bennett freeze, and that is to go out and, house to house, see for yourself. But I know this is impossible to do with the number of homes that are located throughout the Bennett freeze area, so I have decided to go ahead and get you as close as I can to what exists in the Bennett freeze area with a house-to-house survey that we did for the Tonalea Chapter area, which we used to request needed improvements in the Tonalea Chapter.

And at this time, if you could turn to the first page of the last six pages of my testimony. And the first sheet, that is a summary of the survey that we did at the Tonalea Chapter. And if you turn to the next page, that is the summary—or not the summary, but the actual survey that we did. And if you look at the first name, a checkmark indicates that the facility does exist. And what we looked for each house was if they have house wiring, plumbing, toilet, bathroom, dishes, telephone, power lines, sewage, and water.

And if you look at the first line, that individual has none of those facilities available. And if you look down, some of them have these facilities in their house, but they do not get the power line or the water line for it. But the majority, as you look down, do not have these facilities available.

So I think that this could be highly instrumental for you to reflect on that this is out there in the Bennett freeze area. In addition to this, there exists poor housing conditions and road conditions which I have included in the testimony.

PREPARED STATEMENT

And also to me I think it is a totally different feeling when you hear or read about the former Bennett freeze area in the media or newspapers or if somebody is telling you about it, in comparison to what we go through out there as coordinators, we sit down with them and actually get a feel of what these people feel each day, and we hear their hope, frustrations, and their prayers, all in reference to the Bennett freeze.

Thank you.

[The statement follows:]

STATEMENT OF RENDA FOWLER

Thank you for the opportunity to testify to the Subcommittee this morning. I am Renda Fowler, and I am a community worker with the Tonalea Chapter of the Navajo Nation. Substantial portions of the Tonalea Chapter were subject to the Bennett Freeze. I would like to provide testimony to the Subcommittee regarding the impact that this Freeze had upon my Chapter.

I have attached to my testimony a copy of several Resolutions of the Tonalea Chapter regarding the Freeze. These Resolutions discuss the needs of the people that we now have as a result of the freeze. As you can see, the Resolutions go back for several years, and include requests by the Chapter for a water tank and waterline extension, sewage disposal and interior plumbing for many of the houses. None of the facilities requested in the Chapter Resolutions were ever constructed. The Freeze prevented the Navajo Nation from providing us with the running water and other services that we need so badly.

When the Freeze ended, it was decided a complete survey of the existing conditions in the Tonalea Chapter should be done so that we could support the requests that we are making for improvements. As the community worker for the Chapter, I did a house-by-house survey to determine which homes had water, plumbing, and sewage facilities. I also surveyed whether these homes had telephones and electric power.

I also have attached to my testimony a copy of the house-by-house survey of the Tonalea Chapter and a summary sheet of the results. It lists each of the 163 households in the portion of the Chapter that was subject to the Bennett Freeze. These households have a total of 636 residents. There is a column on each page indicating whether each house has internal wiring and a separate column for hook-up to the powerline. I had to use separate columns because some of the houses were built with wiring, but the Freeze prevented these houses from being hooked up to the powerline. I found that 34 houses had wiring, but only 12 were connected to the powerline. 10 houses had some solar power.

The survey also shows whether the house has plumbing and a toilet, a sink, or a tub. The number of homes with tubs and sinks is the same as the number of houses that have running water -- 26 of the homes. This is about 16 percent of the homes. All of the remaining 137 households do not have a connection to a water line, and they do not have a cistern. The residents of these homes must haul water -- as is shown on the survey sheet. The same number of homes (26) has septic sewage systems.

As you can see, many of the people in the Tonalea Chapter do not have the types of basic services -- water, electricity, indoor plumbing, and a sewage system -- that most people have come to take for granted. The survey did not assess the condition of each house, but I can tell you from my visits that many of these houses are in very bad condition. Many of these homes were not in good condition in 1966 when the Freeze began, and they are in worse condition now after 27 years when nothing could be done to them.

And there are some families in the Tonalea Chapter who live in even worse conditions than those who have a run-down home without water, sewer, and power. The survey found that there are 94 homeless families in the Tonalea Chapter.

I would like to discuss in the rest of my testimony the problems that we have in the former Bennett Freeze area because

there are so few roads that serve the area. I have attached to my testimony a map showing some of the roads that could be built to serve the Tonalea Chapter.

The subject of maintenance and upgrading of roads is one of the highly discussed problems at the local level of the Former Bennett Freeze Area. Problems with roads have an impact on the livelihood, specifically the state of health, subsistence, and prosperity of the residents of this land, as well as an impact on the environment. The road problems include: impassable roads during the winter and rain seasons due to mud, snow, and floods; and rough roads during the summer and fall months due to sandy areas and the washboard effect.

Most of the families of the Former Bennett Freeze Area reside up to twenty miles from accessible roads. The roads leading directly to residences are mainly one lane trails. These routes are not maintained, and inclement weather during the years of the "freeze" has taken its toll on the roads. The roads present hazardous situations for travelers and the families living in the area. Furthermore, the rough roads and the traveling distances, first to the highways and then to their destination, cause undue wear and tear on the families' vehicles, their sole means of transportation.

Health

The health of the families is greatly affected by the problems with roads. Due to inaccessible roads, emergency vehicles are delayed in arriving and delivering patients in a timely manner.

Also affected is the availability of aid for the handicapped, elderly, medical patients, and other needy families from social services, state programs, health representatives, etc. This is of particular concern in adverse weather conditions because the services become inaccessible to the people.

Subsistence

Families must travel great distances in order to provide necessities for their families. The people living in this area must haul in water, wood, and coal and bring in their food as well. The water supply is usually hauled from windmills or in drought conditions, when windmills do not yield enough water, from established watering points.

Accessible roads will increase the probability of bringing water and powerlines to the Former Bennett Freeze Areas, as well as implementing the construction of new homes for the residents. In the Tonalea Chapter these requests have been instigated, but costs required for completion are massive due to the inaccessibility and remoteness of the Former Bennett Freeze Areas.

Prosperity

Improvement of roads will increase the probability of economic development within the communities consequently increasing employment opportunities as well. Normally, assessments and evaluations are necessary to explore the potential of any development, but the present conditions of roads now available hinders the investigations, limiting the possibilities of development.

The education of our children who travel to public and day schools on a daily basis is also affected by the road conditions. Due to the inadequacy of roads, some of our children enroll in

boarding schools. It is only appropriate to make favorable conditions for our children to continue their education and to pursue their goals, thus inspiring their success. Traveling the distances over poor road conditions is frustrating and debilitating.

Conclusion

In closing, to insure a wholesome rehabilitation of the Former Bennett Freeze Area, we must not overlook the improvement of roads that were neglected during the Bennett Freeze era. Improving road conditions will appease healthiness, the subsistence needs, prosperity of each family, and preserve the environment. This will contribute in building a strong sovereign nation for our Navajo people, young and old.

"ATTACHMENT"

CHAPTER ROAD IMPROVEMENT NEEDS FOR FORMER BENNETT FREEZE AREAS

TONALEA CHAPTER

- Route N21 - 11.4 miles of the proposed pavement is located in the Former Bennett Freeze area. "Map B."
- Other - A more stable subgrade of BIA system roads and proper diversion system for flood areas for all residential roads and BIA system roads.

COPPERMINE CHAPTER

- Route N20 - Proposed pavement between Gap to Coppermine. Approx. 40 % of project will be in the Former Bennett Freeze Area. "Map C."
- Other - Highly stable subgrade and improvement of flood diversion system is needed for all BIA system roads and residential roads.

GAP CHAPTER

- Route N20 - see Route N20 for Coppermine Chapter. This route will benefit the Coppermine and Gap Chapter. "Map C."
- Northwest area road - see map for location. Chapter is requesting payment of the road from Hidden Springs to Shima Altar Mountain then back down to Bittersprings and from Shima Altar Mountain to Bittersprings. 100% Former Bennett Freeze Area. "Map C."
- Other - Improvement of the subgrade and diversion system for all system roads and residential roads.

KAIBETO CHAPTER

- Route N21 - see Tonalea Chapter notes for Route N21. This route located between Tonalea and Kaibeto Chapter.

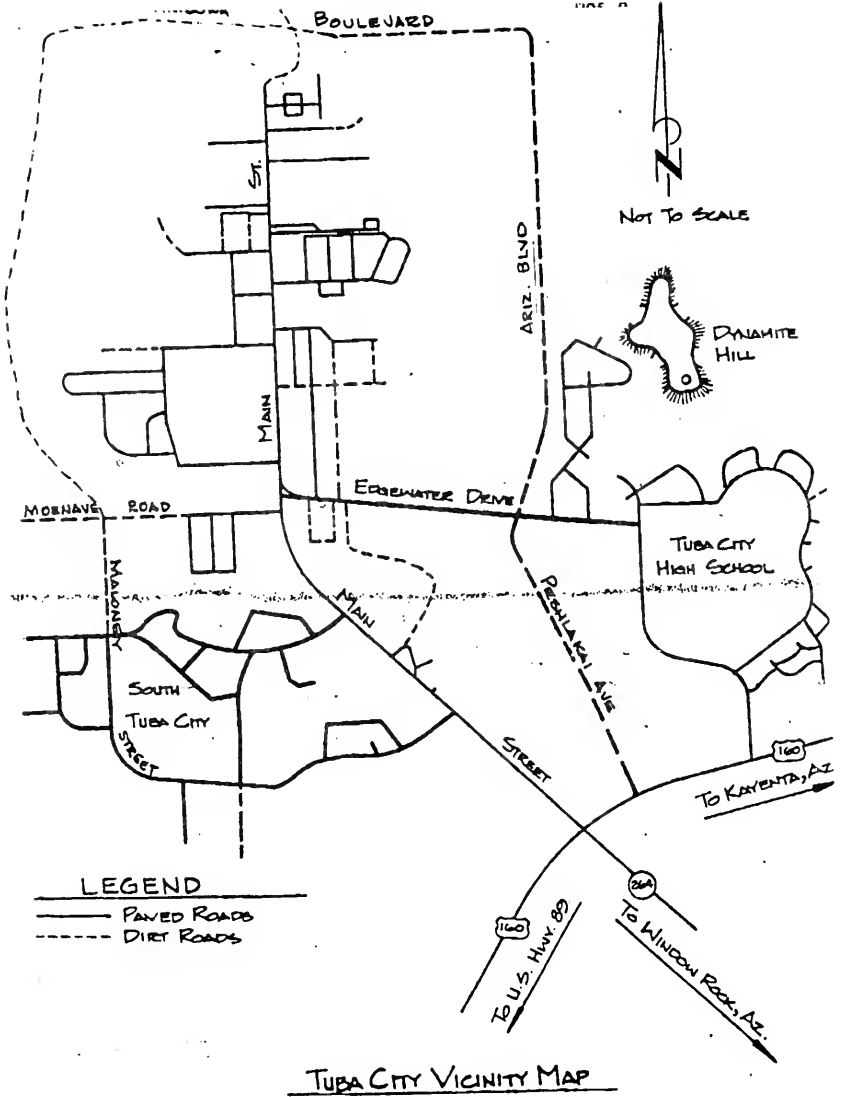
Other - Improvement of the subgrade and diversion system roads
and residential roads.

TUBA CITY CHAPTER

Arizona Boulevard-see map. "Map A."

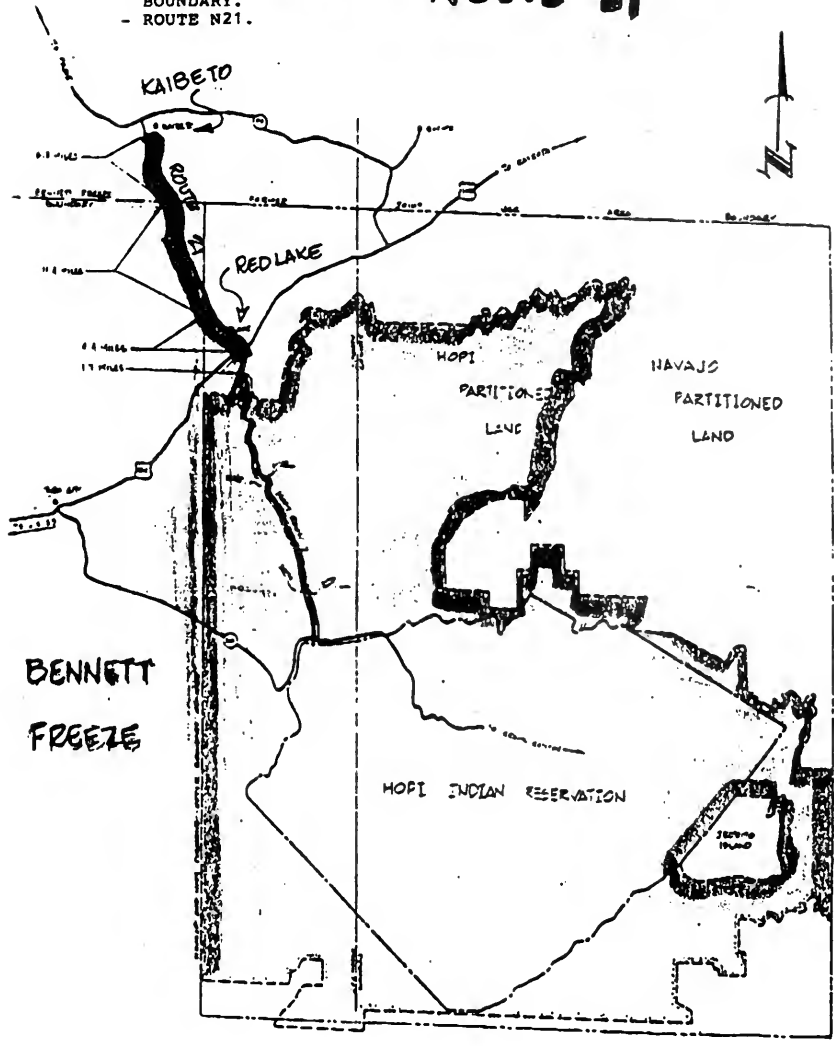
Moenave Road - see map. "Map A."

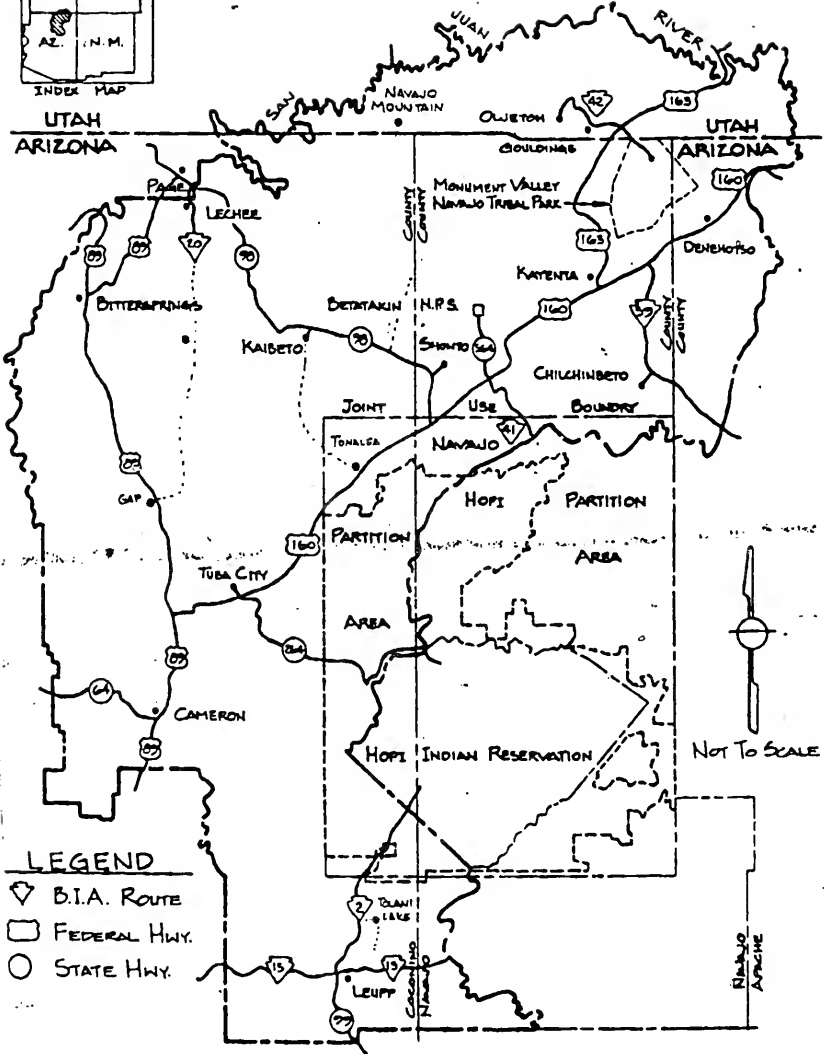
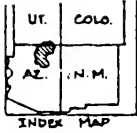
Maloney Street - map, Tuba City Vicinity Map.A.



ROUTE 21

- FORMER BENNETT FREEZE BOUNDARY.
- ROUTE N21.





RESOLUTION OF THE TONALEA CHAPTER
WESTERN NAVAJO AGENCY

REQUESTING THE PRESIDENT OF NAVAJO NATION, NAVAJO/HOPI RELOCATION COMMISSION, NAVAJO/HOPI DEVELOPMENT OFFICE, INDIAN HEALTH SERVICE, COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND COMMUNITY IMPROVEMENT PROGRAM (CIP) TO SEEK FUNDS TO IMPLEMENT PLANS, STUDIES AND SURVEYS FOR WATER TANK AND WATERLINE EXTENSION TO RESIDENTS NORTHERN SECTOR OF TONALEA CHAPTER HOUSE.

WHEREAS:

1. The Tonalea Chapter is a certified Chapter of the Navajo Nation to address the needs, interests and the well being of its constituents; and
2. The Tonalea Chapter recognizes that tribal entities are established to seek funds, plan, study from various sources and surveys for water tank and waterline extension; and
3. The residents of northern sector of Tonalea boundary has for many years been afflicted by mandates for livestock reduction and restricted to any constructions/developments; and
4. Recently the restrictions has been lifted and the effects of the restrictions have delayed thus for any improvement; and
5. Presently, the residents of northern sector of Tonalea boundary requested at a chapter meeting for a development of water tank and waterline extension to serve their area; and
6. The residents of Tonalea community requests for a water tank and waterline extension to enhance the sanitional environment for their well being; and
7. The northern sector of Tonalea boundary, presently, utilizes unsafe water supply from windmills within their area.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Tonalea Chapter requests for matching funds from Community Development Block Grant, Community Improvement Program, Indian Health Service, Navajo Partition Land, Rehabilitation Funds to defray the cost of plans, studies and surveys and development of a water tank and waterline extension to serve the residents of the northern sector of Tonalea boundary.
2. The Tonalea Chapter requests of the President of the Navajo Nation, Navajo/Hopi Relocation Commission, Navajo/Hopi Development Office, Indian Health Service, Community Development Block Grant and Community Improvement Project to seek/allocate funds for water tank and waterline extension to residents of northern sector of Tonalea Chapter House.

Chapter Support Services
Western Navajo Agency

RESOLUTION OF THE TONALEA CHAPTER
WESTERN NAVAJO AGENCY
TONALEA, NAVAJO NATION, ARIZONA

REQUESTING THE NAVAJO TRIBAL COUNCIL, THE BUDGET AND FINANCE COMMITTEE TO APPRO-
PRIATE THE NEEDED FUNDING FOR WATER LINE EXTENSION TO RESIDENTS LIVING EAST OF
COWSPRINGS TRADING POST.

WHEREAS:

1. The Tonalea Chapter is a local governmental entity vested with the responsibility to seek and identify funding for projects beneficial to its constituents; and
2. The Navajo Tribal government and the Budget and Finance Committee are responsible for appropriating funding to each chapter according to their need; and
3. Navajo residents living east of Cow Springs Trading Post and south-
west of the Cow Springs Pre-school are in need of running water in their homes;
4. The Fowlers, Watson, Manygoats and Choe families all desire running water in their homes; and
5. Running water will bring about much improved sanitary conditions, improved drinking water, household cleanliness, improve personal hygiene and improve the overall living conditions of these families.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Tribal Council, the Budget and Finance Committee seriously consider appropriating funds for water line extension to these Navajo families; and
2. The overall living conditions of these families can be improved with running water.

C E R T I F I C A T I O N

WE HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS DULY CONSIDERED AT A DULY CALLED CHAPTER MEETING AT TONALEA, NAVAJO NATION, ARIZONA, AT WHICH A QUORUM WAS PRESENT AND THAT THE SAME WAS PASSED BY A VOICE OF 23 IN FAVOR AND 0 OPPOSED, ON THIS 25th DAY OF November, 1990.

Joe Gayzie
JOE GAYZIE, CHAPTER PRESIDENT
Bill Roseker
BILL ROSEKER, COUNCIL DELEGATE

Joe Klain Sr.
JOE KLAIR SR., CHAPTER VICE-PRESIDENT
Grey Farrell Jr.
GREY FARRELL JR., CHAPTER SECRETARY

RESOLUTION OF THE TONALEA CHAPTER
WESTERN NAVAJO AGENCY
TONALEA, NAVAJO NATION, ARIZONA

REQUESTING ASSISTANCE BY THE NAVAJO AREA INDIAN HEALTH SERVICE, OFFICE OF ENVIRONMENTAL HEALTH & ENGINEERING AND THE NAVAJO TRIBE'S DIVISION OF COMMUNITY DEVELOPMENT TO SEEK DHUD COMMUNITY DEVELOPMENT BLOCK GRANT FOR WEST COWSPRINGS AND RED LAKE SOUTHWEST WATERLINE EXTENSIONS - TONALEA, NAVAJO NATION, ARIZONA.

WHEREAS:

1. The Tonalea Chapter is a certified Chapter of the Navajo Nation, given authority and responsibilities to observe the needs of the community and promote the interest of its constituents to enhance their health and safety; and

2. Based on the request by Tonalea Chapter, the Navajo Area Indian Health Service submitted a pre-application proposal package in August 1987 on behalf of Tonalea Chapter for consideration for FY-1988 CDBG Funding. The proposal is for water supply, sewage disposal and interior plumbing to serve twenty-seven existing homes; and

3. The Tonalea Chapter, in cooperation with the Office of Environmental Health & Engineering and the Community Development Block Grant Office, provided additional required documents and submitted it with the proposal to the Community Development Block Grant Office; and

4. Since the proposal package was submitted in August 1987, the Tonalea Chapter has anticipated funds for the waterline extension as requested to serve families listed in the proposal, but has not had a favorable response; and

5. Expansion of the existing water mainlines is the only logical and feasible alternative for providing a safe and reliable water supply for the twenty-seven homes. There is additional potential for other home services in all directions from these proposed new lines. Growth in these areas is inevitable; and

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Tonalea Chapter hereby requests the Navajo Area Indian Health Services, Office of Environmental Health & Engineering, and the Navajo Tribe's Division of Community Development to seek DHUD Community Development Block Grant for West Cow Springs and Red Lake Southwest Waterline Extensions - Tonalea, Navajo Nation, Ariz.

2. The Navajo Area Indian Health Service, Office of Environmental Health and Engineering review the pre-application proposal package to make revisions as necessary and provide further assistance to ensure complete update of the proposal.

3. The Tonalea Chapter requests support from the Office of the Navajo Tribal Chairman, Division of Community Development and other applicable Tribal entities to further this request and consideration for funds.

C E R T I F I C A T I O N

WE HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS DULY CONSIDERED AT A DULY CALLED CHAPTER MEETING AT TONALEA, NAVAJO NATION, ARIZONA AT WHICH A QUORUM WAS PRESENT, AND THAT THE SAME WAS PASSED BY A VOTE OF 59 IN FAVOR, AND 0 OPPOSED, ON THIS 23 DAY OF October, 1987.

[Signature]
JOE DRYZIE, CHAPTER PRESIDENT

[Signature]
JOE KLAIR SR., CHAPTER VICE-PRESIDENT

RECEIVED
OCT 23 1987
OFFICE OF
NAVAJO
NATION

RESOLUTION OF THE TONALEA CHAPTER
Western Navajo Agency

REQUESTING FUNDS FROM COMMUNITY DEVELOPMENT BLOCK GRANT AND COMMUNITY IMPROVEMENT PROGRAM FOR WATERLINE EXTENSION AND SANITATION FACILITIES AND OTHER APPROPRIATE UTILITIES TO CONDUCT STUDIES TO ACTUATE THE PROPOSED PROJECT FOR RESIDENCES OF MIDDLE MESA AREA IN THE STATUTORY FREEZE AREA EIGHT (8) MILES SOUTHWEST OF THE TONALEA CHAPTER HOUSE, TONALEA, ARIZONA.

MIFRFAS;

1. The Tonalea Chapter is a certified chapter of the Navajo Nation, authorized and obligated to plan and promote the interests of the community to ensure the well-being of its constituents; and
2. The Tonalea Chapter has approximately 25 residents in the the area of the proposed waterline extension and in need of such facilities to accommodate for the sanitational of their household; and
3. Per attached petition with signatures, the signaturees will utilize the facilities and services provided when the project actualizes; and
4. Since the enactment of P. L. 93-531, a major portion of the Tonalea Community has been forbidden from any type of new developments or construction within the Statutory Freeze and Hopi Partitioned Land areas, which affected residents to refrain from any improvements to their residence to insure the sanitation measures of their environment and health.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Tonalea Chapter requests funds from CDBG and CIP for waterline extension and sanitation facilities and other appropriate entities to conduct studies to actuate the proposed project for residences of the Middle Mesa area approximately eight miles southwest of Tonalea Chapter House in Tonalea, Arizona.

C E R T I F I C A T I O N

WE HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS DULY CONSIDERED AT A DULY CALLED CHAPTER MEETING AT TONALEA, NAVAJO NATION, ARIZONA AT WHICH A QUORUM WAS PRESENT AND THAT SAME PASSED BY A VOTE OF 46 IN FAVOR AND 0 OPPOSED, THIS 21st DAY OF October 1990.

Joe Dayzie
JOE DAYZIE, CHAPTER PRESIDENT

Joe Klain Sr.
JOE KLAIR SR., CHAPTER VICE-PRESIDENT

Billy Reese Kee
BILLY REESE KEE, COUNCIL DELEGATE

Grey Farrell Jr.
GREY FARRELL JR., SECRETARY/TREASURER

Chapter Support Services
Western Navajo Agency

TONALEA CHAPTER
Post Office Box 3
Tonalea, Arizona 86044

EXISTING SERVICES

House Wire	<u>34</u>
Plumbing	<u>30</u>
Toilet	<u>28</u>
Sink	<u>26</u>
Tub	<u>26</u>
Powerline	<u>12</u>
Solar	<u>10</u>
Sewage	<u> </u>
Septic	<u>26</u>
Water	<u>26</u>

NON-EXISTING SERVICES

House Wire	<u>129</u>
Plumbing	<u>133</u>
Toilet	<u>135</u>
Sink	<u>137</u>
Tub	<u>137</u>
Powerline	<u>141</u>
Solar	<u> </u>
Sewage	<u>137</u>
Septic	<u> </u>
Water	<u>137</u>

Total number of Household:	<u>163</u>
Total number of people:	<u>636</u>
Number of families Homeless:	<u>94</u>

Household No.	City	State	Municipality	NAME	Head of Household	FACILITIES AVAILABLE						UTILITIES (Specify type)		M.S.D.	Central	Other	
						Plumbing	Bathroom	Electric	Phone	Radio	TV	Sewage	Water				
						Hot Water	Toilet	Sink	Tub	Shower	Range	Refr.	Septic	Public Well			
1	2	1		Adakai, Arlo								None	None	None			
2	2	2		Addakai, Elroy		✓							Septic	Well			✓
3	7	2		Agonzie, Andy		✓						None	Septic	Well			
4	1	1		Arizona, Martha									None	None			✓
5				Alex, Daisy									None	None			
6	2	1		Babbitt, John		✓	✓	✓	✓			Color	Septic	Public Well			✓
7	6	3		Bedonie, Elsie Jr									None	None			
8	2	1		Bedonie, Gilbert									None	None			
9	5	1		Begay, Dale									None	None			
10	9	1		Begay, Dick P		✓	✓	✓	✓				Septic	Well			
11	3	1		Begay, James									None	None			
12	7	6		Begay, Kyr Dan									Septic	Well			
13	5	1		Begay, Phillip			✓	✓	✓	✓			Septic	Well			✓
14	4	1		Begay, Raymond									None	None			
15	1	1		Benally, Jean M.									None	None			
16	1	1		Benally, Jennie									None	None			
17	9	3		Benally, Johnny									None	None			
18	1	1		Benally, Millie									None	None			
19	5	1		Benally, Victoria									None	None			
20	6	3		Betoney, Frank Koe									None	None			
21	4	2		Betoney, George								Septic	None	None			6
22	3	1		Betoney, Janice								Septic	None	None			
23				Betoney, Michael									None	None			
24	4	1		Bigthump, Billy		✓	✓	✓			✓		Septic	Well			✓
25	3	1		Bitsh, Shirley									None	None			
26	2	1		Billy, Nora									None	None			
27	4	1		Billy, Keshie									None	None			
28	6	4		Boone, Henry		✓					✓		None	None			✓
29	2	2		Boone, Mary									None	None			✓
30	4	1		Brown, Arthur									None	None			
31	4	4		Brown, Alice									None	None			
32	3	1		Burke, Jack		✓						Color	Septic	Well			✓
33	7	1		Brown, Arlene									None	None			
34	5	1		Cardy, Michael									None	None			
35	2	1		Cottlecher, Dennis		✓	✓	✓	✓	✓			None	None			6
36	3	1		Chee, Clarence									None	None			
37	3	2		Chee, Dan		✓	✓	✓	✓	✓		None	Septic	Well			
38	7	2		Chee, Dick									None	None			
39	3	1		Chee, Elsie									None	None			
40	2	1		Chee, Kuel									None	None			
						No	32	33	34	35	36	37					
						Yes	5	7	6	5	5	3					

Handwritten signature or initials

No	Age	Sex	NAME	Head of Household	Has Auto	Bathroom				Kitchen	Range	SINK	Sewage	Water	Has Electric	Culinary Equip	Score
						Shower	Toilet	Sink	Tub								
1	6	1	Chen, Ned		✓									Hand	✓		
2			Chen, Peter														
3	1	1	Chen, Richard											Hand			
✓4	2	2	Class, Alice Glad	✓	✓							Shower		Hand			
5	4	1	Class, Gordon											Hand			
6			Class, Hannah														
7	3	1	Class, Sasic											Hand			
8	1	1	Cooley, Kate											Hand			
✓9	4	3	Cooley, Kee Mike	✓										Hand			
✓10	9	1	Curtley, Neal	✓	✓	✓	✓	✓						Hand			✓
11	4	1	Dandy, Albert Jr.											Hand			
✓12	1	1	Dandy, Vera	✓	✓	✓	✓	✓					SEPTIC	Hand			
✓13	11	3	Dadson, Harry	✓	✓	✓	✓	✓				SEPTIC	SEPTIC	Hand			✓
✓14	3	1	Dele, Albert	✓	✓	✓	✓	✓						Hand			
15	4	1	Dadson, Raymond	✓										Hand			
16	8	1	Dadson, Zennie											Hand			
17	1	1	Ellis, Daniel	✓										Hand			
18	5	1	Ellis, Joe	✓										Hand			✓
19	5	1	Farley, Anna											Hand			
20	4	4	Farley, Lillie											Hand			
21			Fowler, Dan C.														
22	2	2	Fowler, Joe											Hand			
23	1	1	Fowler, Joe											Hand			
24	1	1	Fowler, Kee C.											Hand			
25	6	3	Fowler, Mary V.											Hand			
26	3	3	Fowler, Sam C.	✓	✓	✓	✓	✓				SEPTIC	SEPTIC	Hand			✓
27	3	2	Goodman, Keel											Hand			
28	2	1	Goodman, Roy											Hand			
29	7	4	Gorey, Tom											Hand			✓
30	4	1	Goodman, Teresa											Hand			
31	6	1	Gorey, Lorena	✓	✓	✓	✓	✓						Hand			
32			Holybear, Mary Lou														
33	5	1	Hoschick, Darlene	✓										Hand			
34	5	1	Jackson, Louise											Hand			
35	7	1	Jim, Dick											Hand			
36	7	1	Jim, Harry											Hand			✓
37	5	1	Jac, Billy											Hand			
38	8	1	Jac, Frank											Hand			
39	9	2	Jac, Loleta			✓						SEPTIC	SEPTIC	Hand			
40																	
				Yes	13	7	7	6	6								
				No	16	32	32	33	33								
										4							

35

No	Age	Sex	NAME	AC	R	Bathroom		Closet		Sewage	Water	Sept	Compl	Other
						W	T	W	T					
3	2		Jahson, LaDonna											
			June, Ernie								haul			
2	1		June, Florida	✓					✓			✓		F
2	2		June, Victoria								haul			
4	3		Kee, Billy E.	✓					2M	septic	haul			
7	1		Kee, B. Lee Sr.	✓	✓	✓	✓		✓		haul	✓	✓	
6	1		Keetso, Howard								haul			
3	2		Lane, Fred	✓	✓	✓	✓				haul			
1	1		Lane, Jimmy Jr.								haul			
1	1		Lane, Keith								haul	✓	✓	
8	3		Littlefort, Belle								haul			
2	1		Maize, Henry	✓							haul	✓		
	1		Maize, Norman						5D5		haul			
4	1		Mann, Alfred								haul		✓	
11	3		Manygats, Adeline							septic	haul			
1	1		Manygats, Alma								haul			
1	1		Manygats, Bessie								haul	✓	✓	✓
6	4		Manygats, Bobby		✓	✓	✓	✓		septic	haul	✓		
9	4		Manygats, Charley								haul		✓	✓
4	1		Manygats, Donald								haul			
5	2		Manygats, Floyd								haul			
4	1		Manygats, Jimmy								haul			
10	3		Manygats, Lee	✓	✓	✓	✓		older	septic	haul	✓		
1	1		Manygats, Margaret								haul			
3	1		Manygats, Phillip								haul			
3	1		Mexican, Gilbert	✓	✓	✓	✓	✓			haul			
3	1		Mexican, GoeLee	✓	✓	✓	✓	✓	war	septic	haul	✓	✓	
1	1		mike, Hester								haul			
2	1		mike, Tommy								haul		✓	✓
7	1		Mike, Wilbert								haul			
2	1		Nez, Andrew								haul	✓	✓	
7	3		Nez, Herman L								haul		✓	✓
6	1		Nez, McDonald								haul			
3	1		Nez, Mary E								haul			
7	5		Nez, Nellie S.								haul			
2	1		Onesalt, Bessie	?	✓	✓	✓	✓	solbr	septic	haul	✓	✓	
8	1		Onesalt, Michael								haul	✓		Mis
7	2		Phillips, Iva								haul			
			Richards, Zannie								haul			
4	1		Riggs, Larry								haul			
11	6		Riggs, Mac								haul	✓	✓	

Yes 5 8 7 7 7 2
No 36 33 34 34 34

#	AGE	SEX	NAME	HEAD OF HOUSEHOLD	AGE	A	S	P	T	A	A	S	W	S	C	G
4	2		Rock, Mabel										Hand			
2			Rock, Mary Lou										Hand			
3			Rock, Paul										Hand			P
7	2		Rock, Susie										Hand			
1	1		Salt, Jack										Hand			
2	2		Sampson, John		✓	✓	✓	✓	✓		✓	Septic	Hand			✓
1	1		Scott, Bill Sr.										Hand	✓		✓
6	2		Scott, Bill Jr.		✓	✓	✓	✓	✓				Hand			
3	3		Scott, George Kee		✓						✓		Hand			G
2	1		Scott, Leonard										Hand	✓		
6	1		Scott, Vernal										Hand			
3			Shaw, Florence										Hand	✓		
2	1		Shordy, Billy		✓	✓	✓	✓	✓			Septic	Hand			
5	3		Shordy, Ned										Hand			
2	2		Singer, Lena										Hand			
8	1		Singer, Oscar										Hand			
6	1		Singer, Steven										Hand			
4	1		Slinn, Nellie										Hand			
7	2		Slim, Kee										Hand			
2	2		Smith, Matthew										Hand			
2	1		Steven, Christine										Hand			
1	1		Strong, Ella B										Hand			✓
7	1		Strong, James										Hand			
1	1		Tubornie, Amy M.										Hand			
3	3		Tshorn, Lillie										Hand			
3	3		Warner, Alice										Hand			
8	1		Warner, Billy V.										Hand			
7	1		Watson, Henry									Septic	Hand			
1	1		Whitehair, Ethel		✓	✓	✓	✓				Septic	Hand			✓
1	1		Whitehair, Mary										Hand			
			Whitehair, Mona										Hand			
2	2		Whitehair, Susie		✓	✓	✓	✓				Septic	Hand			
2	1		Whitehair, Floyd									Septic	Hand	✓		✓
7	1		Whiderack, Frank		✓	✓	✓	✓				Septic	Hand	✓		
6	2		Whidethorne, Ruby										Hand			
			Williams, Billy C.										Hand			
6	1		Wilson, Bate		✓	✓	✓	✓				Septic	Hand	✓		✓
4	1		Yazzie, Amy										Hand			
5	1		Yazzie, Florence		✓	✓	✓	✓			✓		Hand			
2	1		Yazzie, Victoria		✓								Hand	✓		
5	4		Yellaubair, Helen										Hand			

Ves 3 3 3 3 3 3 3
 No = 3 3 3 3 3 3 3

HOUSE NO. NO. OF FAMILIES	NAME HEAD OF HOUSEHOLD	KILLING	BATHING	BATHROOM	TOILET	SINK	TUB	TELEPHONE	SEWERAGE	WATER	KESIP	CERTIFICATED	COMPLETION
3	Zilth, Paul								Septic	Hand	✓	✓	✓
2	Zonnie, Sarah									Hand	✓	✓	✓
		Yes	0	0	0	0	0	0					
		No	2	2	2	2	2	2					
		YES	1	7	6	5	5						
		NO	2	13	7	16	6						
			3	5	9	7	7						
			4	8	9	8	8						
			5	0	0	0	0						
		TOTAL	31	30	26	26	26						
		NO	1	32	33	33	33						
			2	26	32	33	33						
			3	36	33	33	33						
			4	33	33	33	33						
			5	2	2	2	2						
		TOTAL	18	123	123	123	123						
40	#1												
39	#2												
41	#3												
41	#4												
2	#5												
163													

Senator DECONCINI. Thank you, Ms. Fowler, for the explicit survey that you have included with your statement. It is amazing to me, the lack of just basic facilities such as water.

Dr. Russell, you have been doing this for a long time. In your studies, have you made any determination on the effects of this freeze relating to longevity of the people that live here, versus outside?

Dr. RUSSELL. I am not sure that there has been a detailed study done, but my guess, with the poor sanitation, that health is very poor, particularly for the elderly. Without clean water, with having to keep water in barrels outside rather than running water, without sanitation, it is probably—mortality is probably much higher than in other areas.

Senator DECONCINI. And are there any statistics on the psychological effects of living under these kind of conditions? Has anybody ever done anything on that?

Dr. RUSSELL. I have not done anything on that, but I have seen some studies that have suggested that also there are more problems, particularly in terms of alcoholism, partly because, as I see it, of the breakup of the family structure. When you do not have that support, when people leave because they cannot live there because of a lack of a house, you do not have that family support structure which is going to lead to more psychological and alcohol problems.

Senator DECONCINI. Now, Mr. Morez, you have to haul all your water like most of these people do that you and Ms. Fowler pointed out. You have been prohibited from putting in a well if you wanted to, even at your own expense, is that correct? You could not put a well in there under the freeze.

Mr. MOREZ. I had surveys that, where I am living, the water is too far down.

Senator DECONCINI. So there is not a water availability there, and it would have to be piped in from some place.

Mr. MOREZ. Just within the Tuba City, we pay a fee for the water and then we have to haul it from that area.

Senator DECONCINI. From there. So it would take a water system to bring water to your residence.

Mr. MOREZ. Yes.

Senator DECONCINI. Is that true of the bulk of the area here in the Tuba City?

Mr. MOREZ. Yes; within the Bennett freeze everybody hauls water. There are some wells, but they are mostly up in the plateau, in Tuba City here. But 89 north, on the west side of that there is no well at all on that side, all the way from Bodaway/Gap, Tuba City, up to Cameron. People that generally live in that area have to haul their own water. Not just drinking water, but also livestock water during the drought season, which is now in effect, right now, which I haul.

Senator DECONCINI. You must have a big truck to haul the water.

Mr. MOREZ. Yes; some of them have big trucks. Some of them have to pay some other people to haul water for them. So, you know, it is costly for people in the Bennett freeze that do not have water. And power, you know, the same thing. Students that live in that Bennett freeze area have to do homework with candlelight or oil burning lights, so they can do their homework.

Senator DECONCINI. Dr. Russell, have you compared this situation with any other areas, regarding housing or health, in the United States?

Dr. RUSSELL. Yes, and this area is just at the bottom.

Senator DECONCINI. Yes. How many comparisons have you made or would you estimate?

Dr. RUSSELL. Several. And they are just in terms of running water, electricity.

Senator DECONCINI. This is the worst you have encountered.

Dr. RUSSELL. Yes.

Senator DECONCINI. And when you say several, is that two or three or four?

Dr. RUSSELL. I think it is three or four different areas.

Senator DECONCINI. Outside the State of Arizona.

Dr. RUSSELL. Yes.

Senator DECONCINI. Ms. Fowler, you have lived here. Do you live here now in the freeze area?

Ms. FOWLER. I have been born and raised in and around the area.

Senator DECONCINI. You have always lived here.

Ms. FOWLER. Yes.

Senator DECONCINI. Have you witnessed, from your neighbors and relatives, depression or psychological problems living under these conditions, that you can relate to us at all?

Ms. FOWLER. Well, as I reflect on it, we get a lot of people coming in through the chapter houses where we work. And they come up and they tell you what they need and all that, and some of them do break down and really—

Senator DECONCINI. You cannot give it to them, you cannot help them.

Ms. FOWLER. Yes, that is frustrating to say to them. But we just have to reassure them that something may come about later on.

Senator DECONCINI. Dr. Russell, you supplied us with some pictures and I thank you very much for this information, which will be helpful to the committee. When were these taken, in the last year or two?

Dr. RUSSELL. About 2 to 3 years ago.

Senator DECONCINI. About 2 to 3 years ago. There has been no substantial change from these pictures, to your knowledge.

Dr. RUSSELL. No.

Senator DECONCINI. Thank you.

Thank you very much for your testimonies. It was very very helpful and I appreciate it.

STATEMENT OF JOHN HUBBARD, DIRECTOR, NAVAJO AREA INDIAN HEALTH SERVICE, U.S. PUBLIC HEALTH SERVICE, WINDOW ROCK, AZ

ACCOMPANIED BY:

STEVE HOVELY, M.D., TUBA CITY INDIAN HEALTH SERVICE

C. LEWIS FOX, P.E., CHIEF, SANITATION FACILITIES BRANCH, NAVAJO AREA OFFICE OF ENVIRONMENTAL HEALTH, WINDOW ROCK, AZ

SHARON DRAKE, COMMUNITY HEALTH NURSE, NAVAJO-HOPI LEGAL SERVICES PROGRAM, THE NAVAJO NATION, TUBA CITY, AZ

Senator DECONCINI. Our next panel will be John Hubbard, director, Navajo Area Indian Health Service. He will be accompanied by Lewis Fox, chief, sanitation facilities branch, Navajo Area Indian Health Service. And Sharon Drake, community health nurse in the Navajo-Hopi Legal Services Program.

Very good. Please proceed, Director Hubbard. If you would summarize your statement for us, it would be very helpful.

Mr. HUBBARD. Thank you, Mr. Chairman. My name is John Hubbard, the area director for the Navajo Area Indian Health Service. With me today is, as you mentioned, Dr. Steve Hovely. Steve is a

pediatrician at the Tuba City Indian Health Service. Lou Fox is with the Navajo area Office of Environmental Health in Window Rock. And Sharon Drake is a public health nurse with the Navajo-Hopi Legal Services. In the interests of time, we have consolidated our comments into one presentation, but they are here to answer any questions that you may have here.

I want to address two major issues of the health conditions in the former Bennett freeze area, and water and sanitation conditions for that area. Over the past year we have been engaged in a joint effort with the Navajo Nation, specifically with Sharon Drake, to assess the health status of the residents of the former Bennett freeze area.

The research included a comparison of department visits by residents of one Bennett freeze chapter with residents of a non-Bennett freeze chapter which was located nearby. Two, a comparison of selected outpatient visits by residents of a Tuba City service unit with visits for the other Navajo area service units.

Based on these comparisons, the following preliminary findings have been developed. Tonalea Chapter, including the former Bennett freeze area population, showed higher rates of utilization than Shonto Chapter for respiratory ailments, alcoholism, hypertension, psychiatric problems, gastrointestinal illnesses, and impetigo. Two, Tuba City Service Unit residents showed higher rates of utilization than other service units for respiratory ailments, hypertension, gastrointestinal illnesses, psychiatric problems, impetigo, and alcoholism.

It is unclear at this point as to how statistically significant these differences really are and what accounts for these differences. These utilization rate analyses need to be refined by looking at first visits as compared to revisits, and further future studies. We, however, question how much time and effort should be expended on further statistical assessments. An alternative is to use the available health risk appraisals and other instruments which can be utilized by public health nurses and other health care professionals to pinpoint the most urgent of needs.

In my opinion, the Navajo Area Indian Health Service does not have the resources to conduct such an assessment. Overall, for fiscal year 1992, the Navajo area IHS was at approximately 66.8 percent level of need funded, compared to an Indian Health Service average of 71.1 percent. Tuba City Service Unit had a level of need funded at 69.8 percent. Approximately \$685,000 is needed to bring Tuba City Service Unit to the Indian Health Service average of 71.1 percent. These projections do not include water and sanitation improvement costs.

For some time now, Navajo area IHS Environmental Health staff have worked with Navajo Nation and BIA officials to determine the water, wastewater, and solid waste system needs of the former Bennett freeze area. The list of proposed projects includes running water to some homes. A total of 490 homes are scheduled to receive first-time water service. Other estimates have been developed for sewer and solid waste facilities, including a regional landfill near Tuba City. A projected amount of \$11 million is needed for 32 water and sanitation projects.

PREPARED STATEMENT

In closing, the Navajo area IHS is dedicated to working closely with the Navajo Nation, its division of health, and other offices, and also including the State agencies, to see that these problems, as well as the threats of alcoholism, other substance abuse, and mental health problems, are properly treated and then reduced even further by innovative, culturally meaningful health promotion and disease prevention strategies.

This concludes our brief statement, Senator. We are pleased to answer any of your questions.

Senator DECONCINI. Thank you very much, Mr. Hubbard.

[The statement follows:]

STATEMENT OF JOHN HUBBARD

Mr. Chairman:

Good Morning. I am John Hubbard, Director of the Navajo Area Office of the Indian Health Service (IHS). Accompanying me today is Lewis Fox, P.E., Deputy Director, Office of the Navajo Area Environmental Health (IHS). I am pleased to present testimony on the health care and related needs of the former Bennett Freeze area communities.

For the past 26 years, disagreements between Navajo and Hopi tribes have prevented the estimated 2,500 Navajo families living in the six chapters (local units of government) of the former "Bennett Freeze" from activities, including home-building and home improvements, water and sanitation construction, road-building, and other family home and community growth and development efforts.

We are here today to discuss the adverse impact that the lack of development has had on the residents of the area and more importantly to propose solutions to the problem. I will address two major issues today: (1) health conditions in the former Bennett Freeze area and (2) water and sanitation conditions.

Over the past year, we have been engaged in a joint effort with the Navajo Nation, specifically with Sharon Drake, a public health nurse working with the Navajo-Hopi Legal Service Program, to assess the health status of the residents of the former Bennett Freeze area. Both Area Office staff and Tuba City Service Unit staff have provided Ms. Drake with patient statistical data, and assisted her in the analysis of this information. She has focused her attention on looking for health consequences of poor housing and sanitation conditions, overcrowding, and social and psychological stress.

The research included the following analyses:

(1) A comparison of department visits (first visits and re-visits for the same diagnosis) by residents of one Bennett Freeze chapter with residents of a nearby non-Bennett Freeze chapter to the Tuba City Indian Medical Center - adjusted for population differences.

(2) A comparison of selected outpatient visits (both first visits and revisits for the same diagnosis) by residents of Tuba City Service Unit (including the former Bennett Freeze area) with visits for other NAIHS service units - adjusted for population differences.

Based on these comparisons, the following preliminary findings have been developed:

(1). Tonalea Chapter (including the former Bennett Freeze area population) showed higher rates of utilization than Shonto Chapter for respiratory ailments, alcoholism, hypertension, psychiatric problems, gastrointestinal illness, and impetigo.

(2). Tuba City Service Unit residents showed higher rates of utilization than other service units for respiratory ailments, hypertension, gastrointestinal illness, psychiatric problems, impetigo and alcoholism.

It is unclear at this point as to: (1) how statistically significant these differences really are and, (2) what accounts for these differences. These utilization rate analyses need to be refined by looking at first visits as compared to revisits. They also need to be examined in light of the availability of existing health care facilities and staff. Road and weather conditions need to be studied, as well as transportation resources. Further statistical analysis should be pursued.

However, we question how much time, effort, and money should be expended on further statistical assessments such as the Bennett Freeze study. An alternative is to use the available health risk appraisals and instruments which can be utilized by public health nurses, Community Health Representatives, and other community health workers to quickly survey and ascertain the most urgent treatment and preventive needs of the residents of the former Bennett Freeze area. Such an initiative could result very quickly in a profile of required program-specific services.

In my opinion, the Navajo Area Indian Health Service does not have the resources to either conduct such an assessment or to mount an assault on the problems already identified, at even a modest level. Overall, for FY 1992, the Navajo Area IHS was at approximately 66.8 % Level of Need Funded (LNF), compared to an IHS average of 71.7%. Tuba City Service Unit had an LNF of 69.8%, the fifth lowest LNF in the Navajo Area. Approximately \$685,000 is needed to bring Tuba City Service Unit up to an LNF equal to the IHS average. These projections do not include water and sanitation improvement costs.

For some time now, Navajo Area IHS Environmental Health Staff, particularly from the Sanitation Facilities Construction Branch, have worked with Navajo Nation and BIA officials to determine the water, waste water, and solid waste system needs of the former Bennett Freeze area. The list of proposed projects includes running water to some homes. Cistern tanks for hauling water would be provided to other homes which are isolated or are in difficult construction conditions. A total of 490 homes are scheduled to received first-time water service. Other estimates have been developed for sewer and solid waste facilities, including a regional landfill near Tuba City. A projected amount of \$11 million, as shown in the Sanitation Facilities Annual

Report to Congress, is needed for 32 water and sanitation projects.

In closing, our priorities should be focused on the resources which will have the most immediate, as well as, long range impact on the adverse health and living conditions of the residents of the former Bennett Freeze area: water and sanitation construction. At the same time, additional resources should be made available to conduct health risk appraisals in affected chapters and target other additional resources for community health program services which will successfully attack prevailing health problems such as respiratory and gastrointestinal illnesses. Navajo Area IHS is dedicated to working closely with the Navajo Nation, its Division of Health, and State agencies to see that these problems, as well as the threats of alcoholism, other substance abuse, and mental health problems, are properly treated and then reduced even further by innovative, culturally-meaningful health promotion and disease prevention strategies.

This concludes my prepared statement. I will be pleased to answer any questions that you may have.

Senator DECONCINI. Mr. Fox, do you have a statement to make?
Mr. FOX. I have nothing to add, sir.

SUMMARY STATEMENT OF SHARON DRAKE

Senator DECONCINI. OK.

Ms. Drake, do you have a statement?

Ms. DRAKE. My name is Sharon Drake. I have been in the area, along with my husband, as a community health nurse for 9 years. Five of those years, I have actively been out in the field in the Kayenta and Tuba City area as a community health nurse.

What I was hired to do by Navajo-Hopi Legal Services was to initially go out and assess homes, applicants that had wanted to renovate homes, based on medical need. So I would go out and talk to the individual families, assess the home, go through medical records, and make a determination that was submitted to the Hopi Tribe. I was part of that cumbersome process of trying to get housing approval.

I was then contracted by the tribe at one point to—and this is 1½ years ago—to begin to collect data or look into the freeze to see if there was any higher incidence of overcrowding in the Bennett

freeze, as opposed to the outlying areas. A lot of that minute detail is in my statement.

What I did find, or what I ended up doing—and all of this is preliminary data—is taking different soundings of the Bennett freeze area. By soundings I mean I looked at overcrowding, I looked at condition of the homes, I looked at lack of running water or presence of, electricity, and that sort of thing.

And then I had to ask myself the question, given the lack of any of those things or a poor condition in that area, can we measure those things in any form. Is there an adverse impact on the physical health of the individuals.

And what I did find, as John mentioned, are the preliminary results of what was available is that people in the Bennett freeze tended to visit the hospital on a more frequent basis for certain illnesses that I thought might be related specifically to lack of water, such as gastroenteritis; to overcrowding, such as respiratory diseases, and that sort of thing.

As John does clarify, those results of illness are not conclusive. There are several factors that need to be weeded out: poverty level of the community, education level, that sort of thing. And at some point Dr. Hovely may want to speak to at least the public health aspects of what can happen if you have a lack of running water or overcrowding conditions.

I approached this project, quite honestly, with a lot of skepticism, because I have to say that overall the Navajo Nation does have substandard houses, does have a lack of running water as compared to the United States, so I found it interesting that I might find an area with even less of all these amenities such as the Bennett freeze. So I think we have to look at the whole picture also.

PREPARED STATEMENT

And in closing, I guess I have to say, with all this publicity about the epidemic, we can easily be lulled into thinking that the longevity of the Bennett freeze is not a problem because of its length. I think that what has occurred has been more subtle. We do not possibly see the immediate death that you may with an epidemic, but I think the effects may be far reaching. As the anthropologist mentioned, that could include the breakup of families, different mobilization of families away from the Bennett freeze affected areas. I think there are several things that we can potentially look into.

Thank you.

[The statement follows:]

STATEMENT OF SHARON DRAKE

Mr. Chairman, my name is Sharon Drake and I am a community Health Nurse currently residing in Tuba City, Arizona. My husband and I have lived and worked as health care providers within the Kayenta and Tuba 'outlying' areas for approximately (9) years. My educational background includes a four-year degree in both nursing and psychology.

INTRODUCTION

In November of 1991, I was hired (and later contracted), by the Navajo/Hopi Legal Services within the Navajo Tribe to complete home visitation to residents living within the Bennett-Freeze portion of the reservation. My purpose was to medically ascertain if existing housing conditions were a threat to the physical health and

well-being of Navajo families that had applied for housing renovations/replacement. I was then to provide written documentation of my findings to the Hopi Tribe for their determination. Given the apparent backlog of over seven-hundred Navajo families seeking home renovations or replacement within the Statutory Freeze area and the vast distance between homes and chapter-communities, the task of visiting each applicant household was formidable and entirely inefficient.

In January of 1992, concurrent with the above duties, I began to investigate the possibility of a higher prevalence of in-home overcrowding amongst Bennett-Freeze households, as compared to non-Bennett-Freeze households, due to the construction freeze. The assumption was that, over the twenty-seven year period, families had expanded, but, household space had not. Of greater interest, aside from overcrowding data, was, if adverse conditions within the Freeze, inclusive of in-home crowding, lack of sanitation and water, conditions of homes, had negatively impacted, eg., caused an increase, of specific illness visits to the Indian Health Service Hospital. My previous experience in community health nursing and field visitation within 'like' impoverished residential areas of the adjacent Kayenta service unit, had created a healthy skepticism that Bennett-Freeze households could be in a 'worse' condition or state of disrepair.

The following information is a result of approximately 110 days of work—spanning an eighteen month period. The collected Bennett-Freeze information is preliminary data, in that the data is in-process of being analyzed and, is therefore, incomplete. The ensuing pages are a presentation of those findings, problems encountered, general trends, and recommendations for future investigations.

BACKGROUND INFORMATION

The Navajo Nation encompasses approximately 16.6 million acres within Arizona, Utah and New Mexico. Within that area, likened to the size of West Virginia, there are five Navajo Tribal Agencies: Chinle, Eastern, Fort Defiance, Shiprock, and Western. Among those five agencies, there are eight Indian Health Service Unit areas¹ that serve approximately 110 community "chapters".

Nine percent of the total Navajo Nation acreage comprises the 1.5 million acre former Bennett-Freeze. Within the Tuba City Service Unit of the Western Agency, all of the eight chapters have been affected, in varying degrees, by the twenty-seven year-old land dispute² (see bar graph, "Geographic Involvement"). Within the Tuba City Chapter, is a 2,330 acre portion of land³, called the Administrative Area, that is "exempt" from the building and development restraints of the Bennett-Freeze. This area constitutes approximately one percent of the chapter geography, but, contains approximately forty-nine percent of the residential homes (see "Percent Conc. Homes is S.U. Focal Chapters").

Historically, the Navajo people, the "Dine", maintained a nomadic lifestyle—adapted to a pastoral existence of herding and sustaining their livestock. It was not uncommon, as in some areas of the reservation, for Navajo families to have (2) seasonal camps during the summer and winter months. Within the seasonal camp, several related family members lived in cedar and mud-packed dwellings called "hogans". The one-room hogan, as in many areas today, not only provided shelter for families, but, also embodied the sacred beliefs of the traditional Navajo family.

Dine' Dine'e, The People, say that the hooghan dwelling has a meaning because, from the legends, there are hooghan songs (hooghan bi yiin), and there were origins of certain prayers that were spoken in the First Hooghan. It was the hooghan that was created first—and then the order and planning of other things followed."⁴

In many areas of the reservation, although the hogan is still regarded as a sacred and ceremonial structure, it is more common for young Navajo families to live in modern frame or cinderblock structures. Many families continue to build and maintain the hogan for ceremonial purposes.

POPULATION OF THE BENNETT-FREEZE

Until the preliminary release, in January of 1993, of the 1990 Census data, Tribal officials estimated the Bennett-Freeze population to be approximately 15,000. Rough estimates of density of people per acre—based on a standard 'local' density index, suggested a lesser figure of 7,480 individuals.

¹ A "Service Unit" contains an Navajo Area Indian Health Service facility where the Navajo people can receive health care.

² Two chapters within the Winslow Service Unit have been minimally impacted by the Freeze.

³ From Tuba City Land Administration Office.

⁴ "The Sacred: Ways of Knowledge, Sources of Life."

With the exception of one chapter, the Bennett-Freeze affected chapters did not have a complete listing of whom and how many individuals resided in their chapter. It became apparent that the search for numbers of Bennett-Freeze affected families and individuals would have to originate from the chapter level.

Following months of conversation with the local chapter officials and Community Health Representatives, several "ledger" lists for most of the affected chapters were generated. Below, is the approximate known population breakdown of Bennett-Freeze individuals in each chapter within the Tuba City Service Unit.

Bodaway/Gap: 873 of 1,649 individuals; Cameron: 1,011 (all Bennett-Freeze); Coalmine Mesa: 256 (all Bennett-Freeze); Coppermine: 333 of 423 individuals; Kaibeto: 142 of 1,529 individuals; Lechee: unknown (min. Bennett-Freeze); Tonalea: 717 of 2,066 individuals; Tuba City: 1,545 of 7,305 individuals; total: 4,829 of 15,800 individuals.

It should be noted that, according to chapter officials, several of the individuals listed on the Tuba City ledger actually live within the Administrative Area. But, due to the inability to build homes, these families were compelled to move to the BIA Administrative Area within the chapter.

It is also interesting to note, as discussed previously, that the 'focal', *eg.*, central health and business area of a Service Unit, Tuba City Chapter contains 49 percent of the total Service Unit homes—as compared to surrounding Service Units that contain approximately 25–38 percent of homes. A slight increase of 5 percent concentration of homes within the Tuba Administration Area can be attributed to the relocation of ninety-three families from the JUA, but, this figure does not explain the higher concentration of homes within the Administrative Area. It could be surmised that, as chapter officials maintain, families and individuals moved to the Administrative Area to escape the construction constraints within the outlying Freeze.

Population data for the Tolani Lake and Leupp chapters of the Winslow Service Unit is not currently available.

OVERCROWDING IN THE BENNETT-FREEZE

In the absence of 1990 Census data, early estimates of in-home overcrowding were merely a guess. A 'quick-look' survey of the recent Bennett-Freeze applicants requesting home renovations revealed that, of the forty-four applicants, over sixty-percent were "crowded" in accordance with the minimum housing standards⁵ of 150 square feet for the first home occupant and 100 square feet for each individual thereafter. In addition, seventy-five percent of the dwellings were deemed unfit for habitation—as noted by housing inspectors⁶:

- " . . . significant threat to health and safety."
- " . . . extremely delapidated; family should be removed immediately."
- " . . . severe fire hazard."
- " . . . storage shed for habitation."

Since the above applicants were 'self-selected', *eg.*, families sought services from Navajo/Hopi Legal Services, the above data may not be a random sampling of overcrowding within Bennett-Freeze homes.

However, the release of 1990 Census figures for in-home crowding (more than one person per room), it was confirmed that 65 percent of homes within the outlying, *eg.*, non-Administrative Area, were overcrowded. This figure compares with 60 percent of homes that were overcrowded within the adjacent Kayenta Service Unit (see bar graphs "Chapter In-home Crowding" for Kayenta, Tuba City Service Units and overall S.U. comparison).

Further comparisons of in-home crowding between the 40 percent Bennett-Freeze affected Tonalea Chapter and the adjacent unaffected community of Shonto Chapter (see bar graphs "Shonto and Tonalea Comparisons"), further confirmed that homes within Tonalea were more overcrowded than in the Shonto Chapter.

It must be noted, when using the one person per room crowding index that, given the existence of the traditional one-room hogan in relation to the overcrowding index, there is a potential for chapters that contain more hogans to appear more overcrowded. Certainly, using the square footage housing standard (adjusted for the geometry of a hogan), would be a more accurate overcrowding index in future studies.

⁵ Wood, Eric W. *Housing and Health: Recommended Minimum Housing Standards*, St. Mary's Press, 1986.

⁶ "Statutory Freeze Files", Tuba City Navajo/Hopi Legal Services Office.

PREVIOUS OVERCROWDING RESEARCH AND IMPLICATIONS

In order to investigate the assumption that overcrowding could impact negatively on residents living in the Bennett-Freeze, a search of the existing literature was implemented.

Early studies dealing with issues of in-home, or "spatial" overcrowding in the 1960's, largely utilized animals or human subjects in laboratory-simulated circumstances. Both the animal and human studies provided clear evidence that spatial crowding caused both increased stress and measurable physical changes, eg., an increase of sympathetic nervous system response—such as elevated blood pressure (Henry, 1967; Christian, 1968; D'Atri 1975; and Paulus, 1978).

In addition, there are several studies indicating that psychological stressors are associated with illness as a result of a suppression of immunity and a consequent increased susceptibility to disease (Gunderson, 1974; Henry, 1977; Rogers et al., 1979).

But, despite the demonstrated prevalence of in-home crowding, eg., more than one person per room, recent studies have indicated that the experience of overcrowding is a very subjective response—mediated by such factors as individual perception, perceived control over the spatial environment, eg., ability to alter or change the home/work space, scarcity of resources, opportunities for privacy, and, family structure/cohesiveness (Baldessare, 1981; Baum, 1975; Schmidt, 1979).

For example, in an in-home crowding study within the Japanese culture (Michelson, 1970), in which the average living space is approximately 70 square feet per person, individuals have responded to the minimal quarters by withdrawing inwardly. These results were supported by studies noting social withdrawal in perceived crowded in-home conditions (Aiello, 1984; Baum, 1987; Evans, 1978, and Sunstrom, 1978).

Perhaps the more profound overcrowding studies discussing the negative impact on psychologic health, are the study results from Stokols, et. al., (1976), which explains that perceived overcrowding is most stressful when individuals do not have the autonomy to alter/change their environment. Parallel with the above data, it could be argued that imposed conditions within the Bennett-Freeze may have created a higher degree of perceived crowding due to the lack of an individual's ability to control/change their living situation and the lack of available resources/basic amenities, eg., running water, electricity, building materials.

Medical data, linking overcrowding to a higher incidence of respiratory illness, is sparse and inconclusive. Studies within the military populations—living in close barracks quarters and families living in overcrowded homes (Steinberg, 1969; Foy, 1966), discovered a higher incidence of *Mycoplasma pneumoniae*. Certainly, as Hinchliffe notes, in a 1972 study examining incidence of otitis media and respiratory infections, there is a higher incidence of these illnesses in the poorest populations.

ILLNESS DATA IN THE BENNETT-FREEZE

In order to address the question of, "Did adverse living conditions (as previously noted), negatively impact the health, as measured by IHS illness visitation data, of the families and individuals in the Bennett-Freeze?", it was necessary to examine available IHS illness data.

Based on prior public health knowledge, experience in the field as a community health nurse, and existing research data, the following illnesses were selected as possible correlative measures of existent problems within the Bennett-Freeze—as related to overcrowding, lack of sanitation and water, and possible stress from lack of ability to alter the home environment: impetigo, acute respiratory illnesses, gastroenteritis, psychologic, hypertension, ischemic heart disease, and alcoholism.

Available illness data was derived from the Ambulatory Patient Care Forms of the Navajo Indian Health Service outpatient visits for 1991–1992 for the surrounding Service Units and several individual chapters. Data revealed an overall higher incidence of outpatient visits within the Tuba City Service Unit as compared to surrounding Service Units for all illnesses (see bar graphs "Illness Visits"). Similarly, there was a higher incidence of outpatient visitation for the Bennett-Freeze affected Tonalea Chapter than the adjacent non-Freeze affected Shonto Chapter. This 'trend' of higher incidence of illness visitation for the Tuba City chapters did not always hold true when compared to other outlying non-affected chapters, eg., Many Farms Chapter.

Given that the average Navajo individual visited the outpatient department of the IHS hospitals approximately 3.6 times annually in 1989, the visitation data could be skewed higher if an individual visited 'more' than the average for any one illness. In addition, other factors, such as availability of a medical resource (eg., psychiatrist), accessibility of the resource, etc., could also influence the visitation rate. Cer-

tainly, and until demographic data eg., level of poverty, age strata, education level, is available from each chapter, the illness visitation data may, or may not, represent the incidence of illness per population figure for each Service Unit and respective chapter. But, given the apparent lack of running water/electricity, and prevalence of overcrowding within the Bennett-Freeze, as compared to other areas, the illness visitation incidence does pose concern—and should warrant further investigation.

WATER AND ELECTRICITY IN THE BENNETT-FREEZE

Public health officials have historically recognized the correlation between environmental conditions, such as the availability of running water, electricity and sanitation facilities, on the health of families and individuals.

Chapter ledger data, Arizona Public Services and Navajo Tribal Utility Authority statistics⁷ indicate that Bennett-Freeze residents had approximately 10 percent running water and electricity as compared to approximately 50 percent of the Kayenta Service Unit⁸ and remaining Navajo Nation⁹ (see bar graphs for "B.F. Population and Utilities").

Dr. Diana Hu, Chief Clinical Consultant in Pediatrics for the Navajo Area Indian Health Service, has noted the following:

On the basis of my medical practice at the Tuba City Indian Medical Center and my medical training, I can unequivocally state that over-crowding, the absence of running water, refrigeration, and adequate sewage disposal adversely impact on the mental and physical health of the Navajos residing on the Statutory Freeze Area.

She further states:

Indoor plumbing and running water are a key to good hygiene. The practice of hygienic measures such as simple hand-washing is the best mechanism known for the control of the transmission of respiratory and gastrointestinal infections. Respiratory infections are a prevalent cause of morbidity and mortality of the old and young Navajos in the Tuba City Service Unit.

Preliminary analysis of visitation rates for gastroenteritis and the percentage of running water in Bennett-Freeze chapters showed a rough linear relationship between lack of running water and an increased incidence of visits for gastroenteritis to the IHS outpatient departments.

CONDITION OF HOMES IN THE BENNETT-FREEZE

Due to the inability to adequately standardize the demographic elements on the chapter ledgers from the Bennett-Freeze communities, eg., clearly define 'what' constituted a poor vs. good condition home, overall data was not available for comparison. Despite this lack of overall data, the Tonalea Chapter (40 percent Bennett Freeze), officials hired an outside contractor to delineate all families and individuals within their chapter. Ledger elements were standardized and appeared to represent the population of the chapter. A comparison of condition of homes between the non-Bennett-Freeze portion of the chapter and the Bennett-Freeze portion, revealed a significantly higher number of homes that were in "poor" condition within the Bennett-Freeze portion of the chapter (see pie graph "Tonalea Condition of Homes").

Similarly, since ledger data for the non-Bennett-Freeze adjacent chapter of Shonto was also standardized, a comparison was made between the Tonalea and Shonto chapters (see pie graphs "Tonalea and Shonto Chapter Condition of Homes Comparison"). Data revealed that the chapter of Tonalea had a significantly higher number of homes in "poor" condition than the homes within the Shonto area.

SUMMARY

As a result of the in-process nature of the data, there was not sufficient time to stratify the variables, such as in-home overcrowding, lack of running water, condition of homes, in order to discern a measurable impact on the incidence of illness visitation to IHS outpatient departments. Despite this lack of substantiated data, there are specific aspects of the Bennett-Freeze data which are clear:

⁷ 1992-1993 APS and NTUA residential statistics.

⁸ Note: Utility data for this area appears unusually high—which may be due to (?) an undercount in Census pop. per chapter.

⁹ 1980 Census Data.

- The known Bennett-Freeze population is approximately 5,000 individuals and constitutes 30 percent of the Tuba City Service Unit
- There is a larger than “average”, eg., than surrounding Service Units, residential density in the Tuba City Service Unit that could be explained by mobility of families out of the Bennett-Freeze and in to an ‘unaffected’ area—such as the Administrative Area
- Bennett-Freeze homes, as noted from the 1990 Census, were significantly more crowded than similar non-Bennett-Freeze outlying chapters—possibly as a result of ongoing growth of families but limitations of in-home space due to the construction freeze
- Research supports negative psychological and physical affects of perceived overcrowding within the home environment
- Public health officials agree that overcrowding and the lack of running water and sanitation, negatively impact on the physical health of individuals
- Illness data, though not substantiated by stratifying ‘confounding’ variables, shows a higher incidence of visitation for specific illnesses within the Bennett-Freeze
- Bennett-Freeze residents had approximately 10 percent water and electricity as compared to 50 percent for the entire Navajo Nation
- Data available for condition of homes in the Bennett-Freeze, revealed that homes within the Tonalea Chapter were in significantly poorer condition than the adjacent chapter of Shonto.

FINAL STATEMENTS

In spite of my ‘healthy’ skepticism about finding significantly “poorer” residential conditions within the Bennett-Freeze—as compared to non-affected areas, the preliminary data clearly shows that the Freeze residents had less water and electricity, a “poorer” condition of home, and a higher degree of in-home crowding. Certainly, despite the conclusive ability to demonstrate that illness visitation incidence is related to these adverse conditions, it cannot be denied that the ‘stage is set’, eg., the potential exists, for increased illness to occur.

We, as interested individuals attempting to discern the conditions of the Freeze, should not be lulled into believing, due to the longevity of imposed conditions within that area, that there was no negative impact on the residents. Unlike an epidemic which may claim many lives in a short span of time, the affects of the Freeze may be far more insidious and difficult to extract from existing conditions. For example, if young and healthy Navajo families could not continue to live in their parents household or camp due to limited resources imposed by the Freeze, one of the options to relieving that problem would be to move away from the Bennett-Freeze area—away from family ties and traditions.

If future research is implemented, issues to consider would be the following:

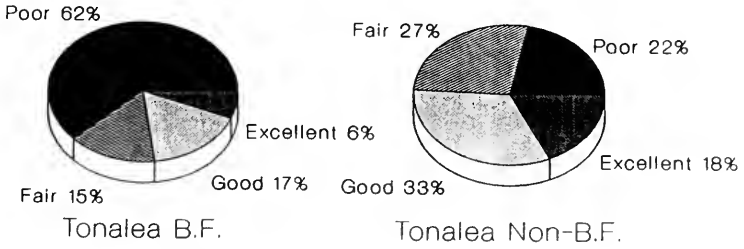
1. Is there a higher mobility of young families away from their parental home-camps as compared to other areas on the reservation?

2. Is there a higher incidence of illnesses related to adverse living conditions between one half of a Bennett-Freeze chapter as compared to its non-affected half? (eg., Tonalea, Gap/Bodaway)

3. Once demographic data can be stratified that might influence incidence of illness visitation data, are the Bennett-Freeze residents ‘sicker’?

Certainly, after so many years, there are many questions that need to be asked. This data, and the preliminary conclusions, are merely the beginning of that very important process.

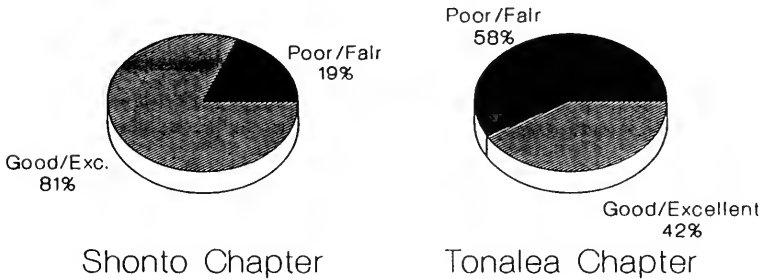
CONDITION OF HOMES COMPARISON Tonalea Chapter B.F. and Non-B.F.



1992 Enumerated Tonalea Chapter Data

S. Drake, 1993

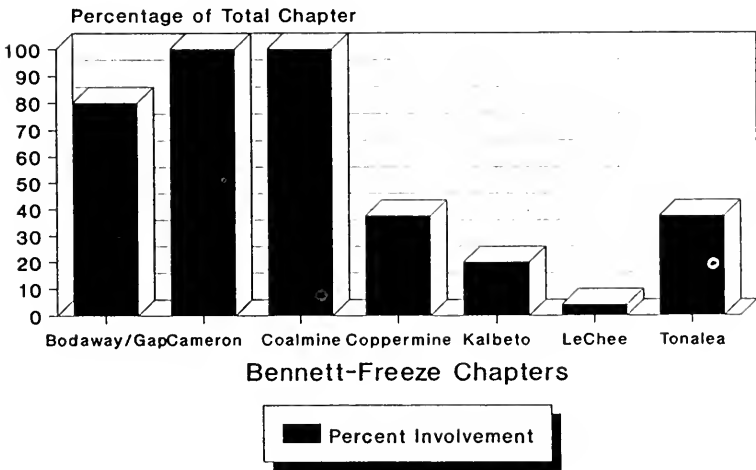
CONDITION OF HOMES COMPARISON Shonto and Tonalea Chapters



Chapter-generated data, 1992-93
(Shonto is non-BF; Tonalea is +/- 40% BF)

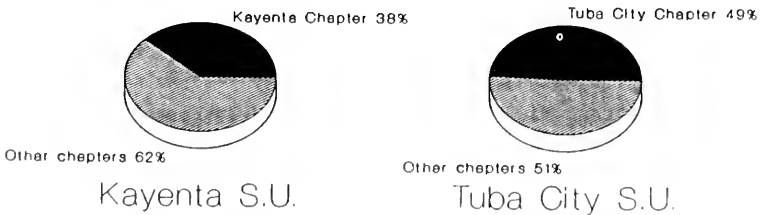
S. Drake, 1993

TUBA CITY S.U. BENNETT-FREEZE CHAPTER Geographic Involvement



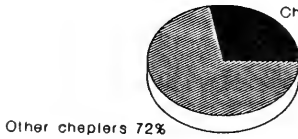
1991 calculated boundary estimates

% CONC. OF HOMES IN S.U. FOCAL CHAPTERS Comparison to Total Respective S.U.

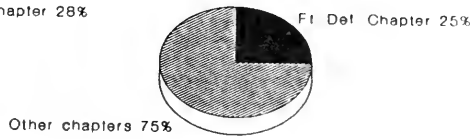


*Focal' chapters contain IHS facilities,
and most local business and housing

% CONC. OF HOMES IN S.U. FOCAL CHAPTERS Comparison to Total Respective S.U.



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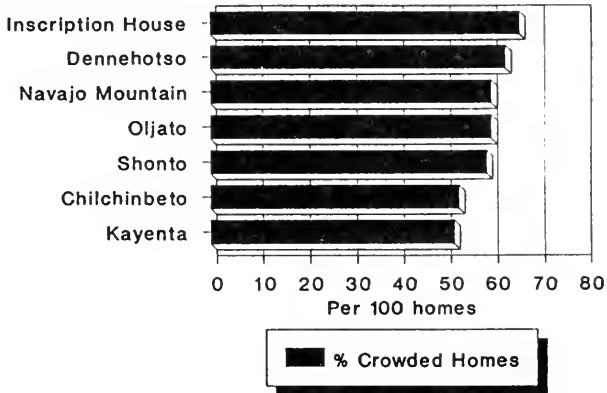


Ft. Def. S.U.

'Focal' chapters contain IHS facilities,
and most local business and housing

CHAPTER "IN-HOME" CROWDING KAYENTA SERVICE UNIT

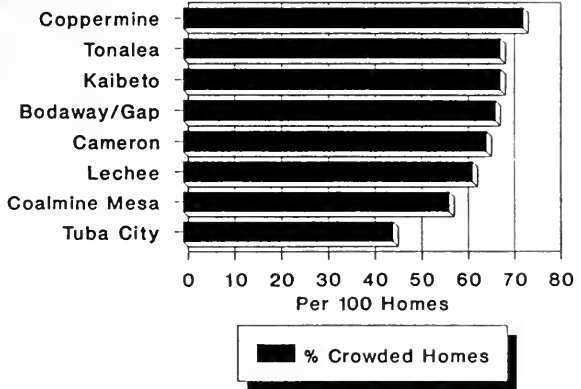
Service Unit Chapters



Crowding = > 1 person/room. 1990 Cen-
sus data.

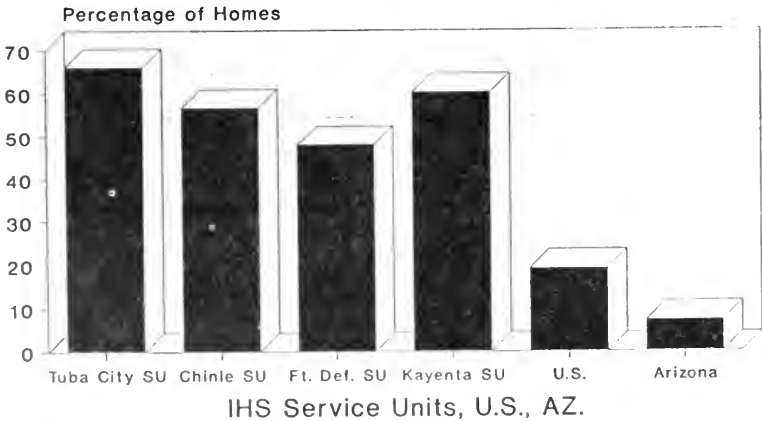
CHAPTER "IN-HOME" CROWDING Tuba City Service Unit

Service Unit Chapters



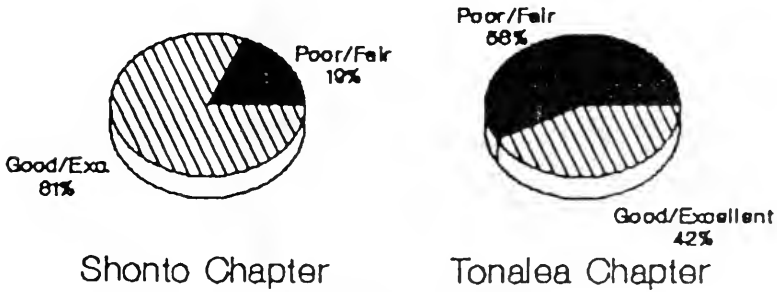
Crowding = > 1 person/room. 1990 Census data.

IN-HOME CROWDING Comparison Between S.U., U.S. & Ariz.



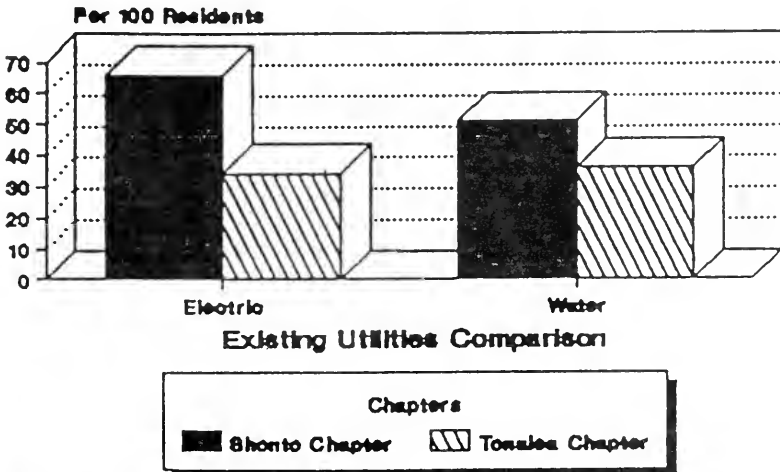
Data excludes all 'focal' chapters to better profile outlying chapter characteristics

CONDITION OF HOMES COMPARISON Shonto and Tonalea Chapters



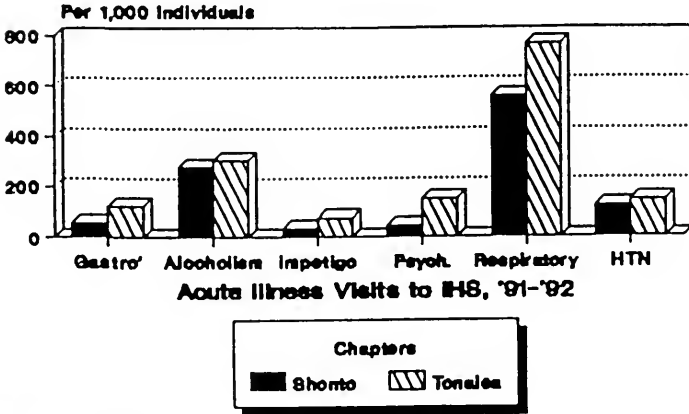
Chapter-generated data, 1982-83

COMPARISON OF IN-HOME UTILITIES Shonto and Tonalea Chapters



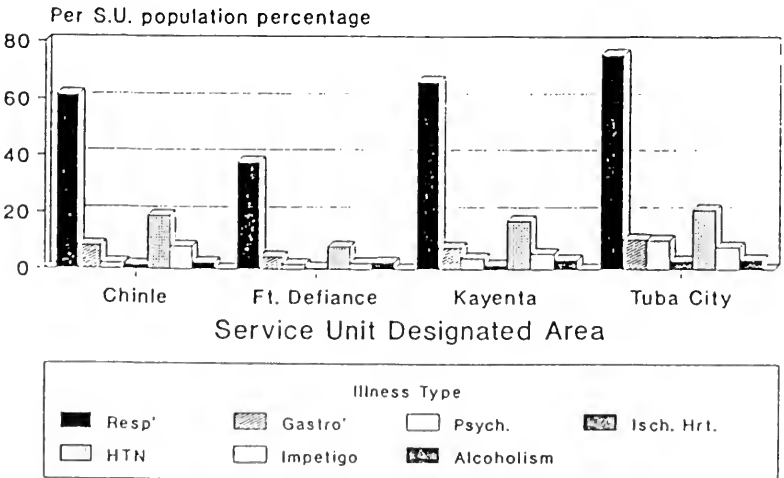
Chapter-generated data, 1981-1982

ACUTE ILLNESS COMPARISON Shonto and Tonalea Chapters



1991-1992 IHS OPD data

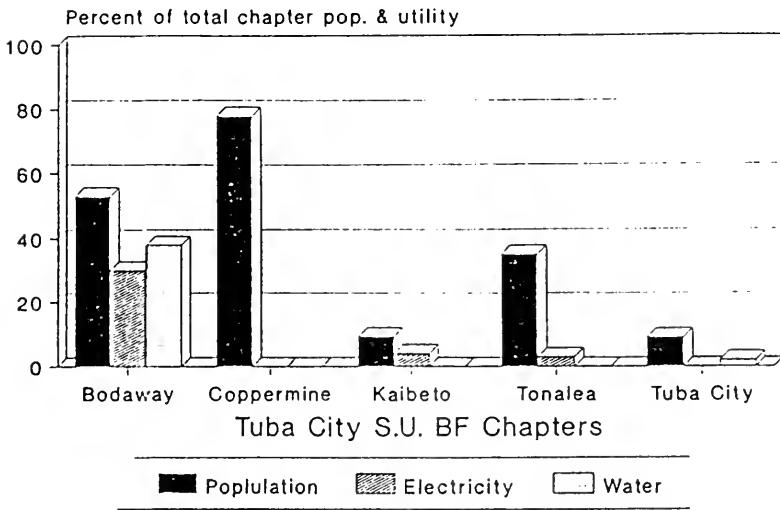
SERVICE UNIT ILLNESS VISITS COMPARISON Western Navajo Reservation



Data from IHS 1991-1992 Outpatient Visits

B.F. CHAPTER POPULATION AND UTILITIES

Relative Population and Utilities Usage



1991-1992 NTUA and APS, 1990 Census

CHAPTER ROAD IMPROVEMENT NEEDS
FOR FORMER BENNETT FREEZE AREAS

TONALEA CHAPTER

- Route N21 - 11.4 miles of the proposed pavement is located in the Former Bennett Freeze area. "Map B."
- Other - A more stable subgrade of BIA system roads and proper diversion system for flood areas for all residential roads and BIA system roads.

COPPERMINE CHAPTER

- Route N20 - Proposed pavement between Gap to Coppermine. Approx. 40 % of project will be in the Former Bennett Freeze Area. "Map C."
- Other - Highly stable subgrade and improvement of flood diversion system is needed for all BIA system roads and residential roads.

GAP CHAPTER

- Route N20 - see Route N20 for Coppermine Chapter. This route will benefit the Coppermine and Gap Chapter. "Map C."
- Northwest area road - see map for location. Chapter is requesting payment of the road from Hidden Springs to Shima Altar Mountain then back down to Bittersprings and from Shima Altar Mountain to Bittersprings. 100% Former Bennett Freeze Area. "Map C."
- Other - Improvement of the subgrade and diversion system for all system roads and residential roads.

KAIBETO CHAPTER

- Route N21 - see Tonalea Chapter notes for Route N21. This route located between Tonalea and Kaibeto Chapter.
- Other - Improvement of the subgrade and diversion system roads and residential roads.

TUBA CITY CHAPTER

- Arizona Boulevard-see map. "Map A."
- Moenvave Road - see map. "Map A."
- Maloney Street - map, Tuba City Vicinity Map A.

Senator DECONCINI. Thank you very much.

Dr. HOVELY, do you have a statement?

Dr. HOVELY. I did not prepare a statement, but I would be glad to answer any questions you might have.

Senator DECONCINI. Thank you.

Mr. Hubbard, you mentioned in your statement that a total of 490 homes are scheduled to receive first time water service. Is that conditional upon appropriation or validation of \$11 million?

Mr. HUBBARD. Yes; it is. These are the projects identified.

Senator DECONCINI. And does the Indian Health Service have that kind of money?

Mr. HUBBARD. Right now, it does not.

Senator DECONCINI. It does not. So are you, perhaps, anticipating some additional appropriation or reprogramming, or what does the Health Service propose to do?

Mr. HUBBARD. We would have to add the funds.

Senator DECONCINI. You would have to add funds.

Mr. HUBBARD. Right.

Senator DECONCINI. With available funds that you have, will you be able to provide any water to any houses, and how many?

Mr. HUBBARD. Right now for the projects we are talking about, there would have to be supplemental resources to address the 32 projects that are on the list.

Senator DECONCINI. You cannot provide water to any homes in 1993 without additional funds. Is that correct?

Mr. HUBBARD. Let me ask Mr. Fox if that is correct.

Senator DECONCINI. Is that correct, Mr. Fox?

Mr. FOX. Yes, sir.

Senator DECONCINI. There are no funds planning to be spent to add water to any homes in this area in this fiscal year. Is that correct?

Mr. FOX. Yes, sir; that is correct.

Senator DECONCINI. And you do not know of any funds within the Health Service that could be allocated for that.

Mr. FOX. Not for this year; no, sir.

Senator DECONCINI. Now in your 1994 request, do you know if there are funds in there for this?

Mr. FOX. If we receive similar appropriations from Congress for Public Law 86-121, I believe—

Senator DECONCINI. But did you submit those requests through OMB and are they in the budget of the Indian Health Service?

Mr. FOX. Yes; they are.

Senator DECONCINI. They are.

Mr. FOX. It is the general budget. It is not specifically for Bennett freeze, but we will be funding some projects in the Bennett freeze.

Senator DECONCINI. Just so I understand. The budget submitted by the Indian Health Service and approved by OMB that is before Congress now does have the \$11 million in it.

Mr. FOX. No, sir; not the \$11 million.

Senator DECONCINI. It does not.

Mr. FOX. No.

Senator DECONCINI. Does it have money in it for projects in the Bennett freeze?

Mr. FOX. Yes; not specifically, but some of that money would be used.

Senator DECONCINI. Some of that money. How much is there, do you know?

Mr. FOX. We would use perhaps \$2½ or \$2 million, I would say.

Senator DECONCINI. You say \$2 million. And what would that be used for?

Mr. FOX. Water and waste water systems.

Senator DECONCINI. Water.

Mr. FOX. Primarily water system extensions.

Senator DECONCINI. Do you remember how much you asked for before OMB?

Mr. FOX. I believe our budget is \$85 million.

Senator DECONCINI. \$85 million.

Mr. FOX. On a national level.

Senator DECONCINI. Nationwide, I see.

Mr. FOX. Correct.

Senator DECONCINI. Do you know how much you asked for here?

Mr. FOX. We do not ask for it by area.

Senator DECONCINI. You do not.

Mr. FOX. No.

Senator DECONCINI. So whatever you get, then you allocate some here.

Mr. FOX. It is proportioned by our headquarters budget by need.

Senator DECONCINI. Well, is this not the worst need that you have anywhere?

Mr. FOX. It is conceivable that it is.

Senator DECONCINI. Yes; because that is my next question. You have served in other areas.

Mr. FOX. Yes; I have.

Senator DECONCINI. Have you see worse need than this?

Mr. FOX. No; I have not.

Senator DECONCINI. So this would be the top priority, in your judgment, for Indian Health Services allocation of funds.

Mr. FOX. It could be my top priority but I do not allocate the funds.

Senator DECONCINI. I know. But, I mean, from your professional viewpoint—I realize you do not make the final decision, but from your professional viewpoint this is the worst you have ever witnessed and it would be a priority to you.

Mr. FOX. It would be a priority.

Senator DECONCINI. It would be your recommendation. You would recommend that.

Mr. FOX. Yes.

Senator DECONCINI. Now, Ms. Drake, you have served in other areas as well.

Ms. DRAKE. Yes; I have.

Senator DECONCINI. And can you compare this to any other areas that you have served in from the standpoint of health conditions?

Ms. DRAKE. Well, as I mentioned, I was skeptical that the Bennett freeze could be any more adverse than where I had worked, which was the Kayenta Service Unit just east of here. I worked basically all over that region, and in those areas I did find overcrowd-

ing, lack of water, housing that was in poor condition. But I have to say, in going out in the field within the Bennett freeze, and that was on the applicant interviews that we saw, those houses were in worse condition, in some cases ready to fall apart or leaky or not updated, and seemed or appeared to have less water. And that was a small sampling. I went out on, say, 40 cases.

Senator DECONCINI. Mr. Hubbard, the same goes for you, you have served in other areas.

Mr. HUBBARD. No; I have not.

Senator DECONCINI. You have not.

And, Doctor, can you give us any examples of the health conditions that you have come across in comparison outside the Bennett freeze area, say with children?

Dr. HOVELY. Well, I have worked in Kayenta also. Obviously, reservationwide, housing and crowding and sewage conditions are worse here than any other community I have experienced off of the reservation. I cannot speak to the exact issue of Bennett freeze versus non-Bennett freeze, except that, as the others may have mentioned and described.

Senator DECONCINI. And you have treated children here in the Bennett freeze.

Dr. HOVELY. Yes; I have.

Senator DECONCINI. And you have treated children in other areas.

Dr. HOVELY. Yes; I have.

Senator DECONCINI. Is there any medical evidence that they are less healthy here?

Dr. HOVELY. I think there is excellent evidence from lots of other studies that crowding increases the risk of respiratory illnesses. Relying on wood heating and poor ventilation increases the risk of pneumonia, tuberculosis, increase in asthma. The lack of running water and adequate sanitation increases the risk of gastrointestinal diseases, hepatitis, diarrhea. The only study that I know of that addresses this issue is the one that Ms. Drake just mentioned.

Senator DECONCINI. Thank you. Has there been cases of the mysterious illness or virus in the Bennett freeze area? Have there been any fatalities?

Mr. HUBBARD. I do not believe so. I think we have had one case.

Senator DECONCINI. One case.

Mr. Hubbard or Mr. Fox, who makes the determination within the Indian Health Service as to priorities of spending whatever funds are available for such projects that are enumerated in Mr. Hubbard's statement?

Mr. FOX. The priority for that is set by what we call our sanitation deficiency system.

Senator DECONCINI. Excuse me?

Mr. FOX. It is set by our sanitation deficiency system.

Senator DECONCINI. And who runs that?

Mr. FOX. We run that.

Senator DECONCINI. When you say "we," who is "we"?

Mr. FOX. The Indian Health Service.

Senator DECONCINI. The Indian Health Service. Well who is it?

Mr. FOX. It has been prepared by our field engineer here in Tuba City and it goes up through the channels.

Senator DECONCINI. Who is that?

Mr. FOX. Bill Rapp and others.

Senator DECONCINI. Bill who?

Mr. FOX. Rapp.

Senator DECONCINI. Rapp.

Mr. FOX. He is our field engineer here.

Senator DECONCINI. He is the field engineer.

Mr. FOX. Right.

Senator DECONCINI. And he makes the determination.

Mr. FOX. He does not make that determination. We have an elaborate priority setting system. We try to keep the determination—

Senator DECONCINI. So he submits priorities.

Mr. FOX. He submits the information.

Senator DECONCINI. And he submits it to whom, the Indian Health Service in Washington?

Mr. FOX. He sends it to me and we send it out.

Senator DECONCINI. In Washington.

Mr. FOX. Right.

Senator DECONCINI. And who is Washington makes the decision?

Mr. FOX. Larry Gaynor.

Senator DECONCINI. Larry?

Mr. FOX. Larry Gaynor. I should say the system makes the decision, though. Priorities are set according to certain ranking criteria.

Senator DECONCINI. The priorities are set here and forwarded.

Mr. FOX. Well, we do not prioritize per se. We score different pieces of information for each proposed project and the system sets the priority. We do not prioritize.

Senator DECONCINI. And then Mr. Gaynor receives those from all over, and then he allocates the funds.

Mr. FOX. He allocates a lump sum of funds to each area based on a pro rata share of the need, of the national need.

Senator DECONCINI. Is there a formula for the regions or the areas?

Mr. FOX. I do not know. He has a rough formula, I think, he uses. But it is proportional to each area served.

Senator DECONCINI. Thank you very much.

Thank you for your testimony. It is very very helpful.

STATEMENTS OF:

WILSON BARBER, DIRECTOR, NAVAJO AREA OFFICE, BUREAU OF INDIAN AFFAIRS, GALLUP, NM

GEORGE ABE, MEMBER, SCHOOL BOARD, TUBA CITY UNIFIED PUBLIC SCHOOL DISTRICT, TUBA CITY, AZ

ROBERT SIMPSON, PRESIDENT, JUNCTION ENTERPRISES, INC., CAMERON, AZ

LORETTA FLATROCK, BOARD MEMBER, LITTLE COLORADO RIVER SOIL AND WATER CONSERVATION DISTRICT, CAMERON, AZ

LOUISE YELLOWMAN, SUPERVISOR, COCONINO COUNTY

Senator DECONCINI. Our next panel will deal with the infrastructure. We have Wilson Barber, director, Navajo Area Office, Bureau of Indian Affairs; George Abe, member, school board, Tuba City Unified Public Schools; Robert Simpson, president, Junction Enterprises; Loretta Flatrock, board member, Little Colorado River Soil

and Water Conservation; and Louise Yellowman, supervisor, Coconino County.

Ladies and gentlemen, your full statements will be in the record; if you would summarize them. We will start with you, Mr. Barber.

SUMMARY STATEMENT OF WILSON BARBER

Mr. BARBER. Thank you, Senator DeConcini. My name is Wilson Barber. I am the area director for the Navajo Area Office, Bureau of Indian Affairs. I am here today to discuss the infrastructure and related development needs of the former Bennett freeze area.

On July 8, 1966, Mr. Robert L. Bennett, Commissioner of Indian Affairs, placed a freeze order on any new construction, improvements, or repairs within approximately 1.4 million acres in an area west of the 1882 Executive Order Area on the Navajo Reservation until claims by the Hopi and Navajo Tribes could be determined. Over the years, various public laws and court decisions reinforced the original freeze order. I cannot dispute the effect of the 26-year freeze on the living conditions and the economic opportunities of the Navajo people in this area.

Under the freeze order which prohibited any new construction and improvements, including roads, school facilities, rangelands, farmlands, water development, economic development projects, homes, community and chapter infrastructure, and so on and so forth. This order also prohibited the approval of leases, easements, permits, rights-of-ways, and withdrawals for any development purposes. New development was allowed only with the consent and approval of the two tribes, the Navajo and Hopi. However, to get this approval, it sometimes took months or years off negotiations before it was granted.

The Western Navajo Agency Branch of Roads, has 243 miles of dirt roads in the former Bennett freeze area which are on the Navajo Area BIA roads system. The only work which could be performed was just the blade work and other routine maintenance activities, because any major improvements were not allowed. A total of 54 miles of new road construction are on the agency roads construction priority list.

Attempts were made by the Western Navajo Agency Branch of Roads and the agency roads committee to obtain Hopi consent and approval for the paving and construction of Navajo Route 21 between Tonalea and Kaibeto. Negotiations failed on the acquisition of the rights-of-way. The replacement of a deteriorated bridge across the Moencopi Wash southwest of Tuba City and a new bridge across Hamblin Wash in the community of Gap were also denied.

The lack of an all-weather road system and infrastructure construction has stymied the socioeconomic development in the communities of Coal Mine Mesa, Cameron, Monave, Gap, Cedar Ridge, and Tonalea. Development was allowed in the Tuba City area by Public Law 96-503, therefore this community has a shopping center, a Kentucky Fried Chicken, a McDonald's, Taco Bell, and other restaurants, motels, and new residential subdivisions. Tuba City is also the home of Davis Chevrolet, which is the only automobile dealership on the Navajo Reservation.

This situation is totally different outside the Tuba City area. Navajo people are still living without all of the modern conveniences of electricity, water, sewer, telephone, television, so forth. Any decisions regarding funding for this purpose would have to be made as part of the overall 1995 budget process.

PREPARED STATEMENT

In closing, I believe that a well-balanced physical, economic, and social development could be achieved through a coordinated comprehensive planning effort by the Navajo Nation and the Bureau of Indian Affairs.

This completes my prepared statement, Senator, and I would be happy to answer any questions.

Senator DECONCINI. Thank you very much.

[The statement follows:]

STATEMENT OF WILSON BARBER

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This completes my prepared statement. I would be happy to respond to any questions you may have.

SUMMARY STATEMENT OF GEORGE ABE

Senator DECONCINI. Mr. Abe, do you have a statement?

Mr. ABE. Thank you, Mr. Chairman, for coming out to Tuba City. My name is George Abe. I am a member of the Tuba City Public School Board. And I would just like to make about three points, if I could.

First I would like to make—one of my points that I would like to make concerns the impacts of the Bennett freeze on the learning conditions of our students. We have, for lack of being able to establish community schools at Gap and Cameron, young students traveling over an hour to an hour and a half over rough roads to get to school here in Tuba City. Or in some cases because of the living conditions, as you have heard earlier, we have a lot of students attending boarding school here in Tuba City and thus causing family breakups and the deterioration of the family unit.

The second point I would like to make is that we have Gap Public School and we have Cameron Public School, and Headstarts at those two communities that are suffering from various problems as a result of the freeze. We have sewer lagoon problems at both sites, deteriorating facilities that were supposed to be only temporary and still, after 15 to 20 years, are still there and falling apart, as you might imagine.

And the third point is that I would like to say that we hope to realize improved facilities at those locations. I think the students have suffered quite a long time in living conditions that have really hindered their education here. And as was mentioned by Mr. Morez earlier, they were having to do largely homework by candlelight or by kerosene lantern.

And we are hoping to foster the right kind of education environment here so that we can have the right kind of future leaders that will help us become more self sufficient. We hope to create more business orientated young leaders that will help stimulate the local economy and achieve self sufficiency out here.

PREPARED STATEMENT

In closing, I would like to say that I think that at the community level there has been a fair amount of good will between the Hopi and the Navajo people. And as we get this land dispute behind us, I think that will further evolve and we can put an end to this divisiveness that has hurt us all.

Thank you.

Senator DECONCINI. Thank you.

[The statement follows:]

STATEMENT OF GEORGE ABE

Senator DeConcini welcome: I am George Abe, a member and past President of the Tuba City Public School Board.

It is our hope that a new chapter in the history of the Western Navajo will start today with this hearing. A fresh start to pursue a future that holds the promise of jobs and self-sufficiency. This future can only be achieved through an investment in our human resources and sustained by an educated community.

Originally intended to be a temporary, the 27 years of restrictions to development and improvements of the 1.4 million acre area (which is essentially synonymous with our school attendance boundary has caused numerous obstacles to the educational pursuits of the tens of thousands of students and forced the deterioration

and overcrowding of school facilities. A Dark Age of despair and suffering casted a long shadow over this area.

For 27 years, parents of the freeze area were faced with the dilemma of having their children live in overcrowded conditions and endure bleak living and road conditions or have their children be placed in boarding school dormitories but then be deprived of being part of the family and thus weakening the family unit.

Currently over 50 percent of students live in substandard homes that have neither electricity nor running water. In these homes, homework is performed by candlelight or kerosene lantern.

Chairman, do you realize that the average student in Tuba City is bussed over an hour to and from school because community schools could not be built. Students often arrive to school already tired and ill prepared to learn.

Community based schools if were able to be developed, would have allowed students to be educated in their communities and avoid long trips into Tuba City. Also community schools will provide a focus for community development. These are the hopes and aspirations for the residents of Gap and Cameron for over 20 years.

Pre-schools in rural areas have been forced to change from center based schooling, because of unsafe and health-related hazardous conditions, to home based schooling. Center based program is a classroom setting where the children are bussed to school everyday.

The home based program restricts the teacher much more by having to provide services at the home of the student. Research shows that early childhood education is well worth the investment and center based preschool in Tuba City is in dire need to meet the ever growing population.

The Gap Public School, which is situated in the Former Bennett Freeze proper, is housed in a double wide trailer, purchased in 1975. A recent inspection by the Public Health Service reveals numerous and severe problems with the trailer including; cracked roof beams, broken windows, inoperative heating vents, sagging floors, deteriorating plumbing, and insufficient classroom space. The trailer has deteriorated beyond repair and presents a serious health and safety hazard. The present school is next to an overload sewer lagoon that is deemed to be out of compliance with health standards.

Also, situated in the Former Bennett Freeze is Cameron Public School. Located in a temporary facility originally designed for 50 students it now houses 100 students. The present facilities are dilapidated and unsafe. New elementary schools at Gap and Cameron will allow students to be much better serviced in their communities and would bring boarding school students back to their homes. A major positive benefit will allow children to live at home with their family and thus strengthening rather than weaken the family unit.

With a severely limited tax base and bonding ability, Tuba City School District is 26 million dollars short in meeting the basic needs of its students. With the small amount of bonding ability it has left, TCUSD is attempting to finance a new K-6 school at Cameron, Arizona. The estimated cost is currently between 3.8 and 4.0 million dollars.

Overcrowding conditions were recently alleviated at the Tuba City High School with the addition of 20 classrooms but numerous deficiencies still plague the High School. In order to meet code standards for health and safety, major renovations are needed in the old portion of the high school. Other needed basics include a cafeteria, central kitchen, vocational center and gymnasium.

We also support school renovations and repairs for the BIA Boarding school, Navajo Headstart and Navajo Community College, all of whom have substantial student population residing in the Former Freeze area and also impacted by the growth in students from relocatees from the Hopi Partitioned Lands.

Chairman, with your support we will bring an end to this Dark Age of this region. A new beginning that will provide the type of learning environment absent for the last quarter century. In order to become self sufficient, the Former Freeze area needs jobs and economic development.

This last spring, we have graduated 150 students but only to face severely limited job opportunities. We need to educate a new generation of Navajo entrepreneurs. Youthful business orientated leaders who will create jobs and further stimulate the economy.

Together, let us refocus education into one of an innovative educational environment. One that will foster a generation of entrepreneurs and young leaders who will lead this region and Navajo Nation in the brighter economic future and help break the institutional barriers to economic freedom and the roots of dependency.

To achieve this end, a regional vocational center focused on business training and high tech skills is needed. Perhaps a multi-purpose facility that would combine various educational, athletic and retail business needs into one building complex.

If funding is to be made available for the TC Public School, then we request a funding method that will be target specifically for the Public School District. One suggested method is funding through the Relocation Act such as in the case of funding for Sanders Public School District that was impacted by the New Lands relocation settlement.

Enclosed with this report are exhibits indicating our facility needs, the associated estimated costs, current finance capability and other related documents.

It is my belief that there has always existed a fair amount of goodwill between the two tribes here in this community and once the land issue is behind us that improved relations between Navajos and Hopis will evolve and help end the divisiveness that has hurt us all.

We do appreciate the Senator and the Senate Appropriations Subcommittee for taking time to come to this remote part of this great country and we know you will do what you can on behalf of the residents of the Western Navajo and help end this most unfortunate period in our history.

LETTER FROM RONALD R. GADBERY, CSI, ROSSMAN, SHNEIDER,
GADBERY, AND SHAY

July 6, 1993

Mr. George Abe
Tuba City Unified School District No. 15
Post Office Box 67
Tuba City, AZ 86045

RE: 1993 UPDATE OF NEED FOR
TUBA CITY UNIFIED SCHOOL DISTRICT NO. 15

Dear Mr. Abe:

Enclosed herewith is a brief Summary Program of need based on the 1986 original Master Plan Study and the Master Plan Revisited - 1990, that was prepared for the District by RSGS Architects with the assistance of the School Administration, teachers, students and the Governing Board.

I have taken this opportunity to provide in the Summary Program an update of costs of these studies and delete from reference those capital projects that have been completed to date.

Basic functions of the Master Plan remain due to the very limited capital budget with which the District has to work.

You will note that considerable funds are needed to upgrade antiquated existing facilities at the High School which do not comply with current building, safety and handicap codes.

In addition, basic programs for Vocational Training are sadly lacking, which should be considered as essential to provide training for jobs for high school students.

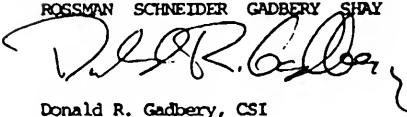
Technology must also be improved in the remaining areas of the High school and should also be considered in the other grade levels at the Primary, Middle and Junior High Schools, as well as interfacing with Cameron and The Gap schools.

Cameron School has been designed and is awaiting the necessary Navajo Nation approvals and has been included in this summary, since it has not yet been bid or constructed.

If you should have any questions regarding this brief statement, do not hesitate to call.

Sincerely,

ROSSMAN SCHNEIDER GADBERY SHAY



Donald R. Gadbery, CSI
Partner

DRG/sg

Enclosure

Summary Program
Capital Projects for
Tuba City Unified School District No. 15

The following summary is provided as an update to the 1986 Master Plan and the Master Plan Revisited - 1990.

Projects that have been constructed have been excluded from this summary and only those projects that are considered essential to the enhancement and need of the educational process for Tuba City Unified School District are included herewith.

Cameron Elementary School

Currently, design has been completed for this school to house 300 to 350 students, grades Headstart to 6th Grade, from the fast growing Cameron area. Project is awaiting final Navajo Nation approvals for land withdrawal prior to a date for bidding. Estimate of Probable Costs include land development, highway adjustment for site access, self-contained water well development, waste water system, playgrounds, parking and paving, the school building itself and two (2) teacher/caretaker residences.

Estimate of Probable Cost = \$3,865,000

The Gap Elementary School

The current elementary school is composed of substandard relocatable structures and the site is within The Gap Chapter House site and almost immediately adjacent to an overloaded sewer lagoon that has been deemed in non-compliance with health standards. There is no room for expansion on this site and should be totally relocated to a more healthful environment.

Studies have been undertaken by the School District Administration to determine the anticipated enrollment of this school. Currently there are students that are traveling to the Page School District, as well as to Tuba City, which is up to 50 miles one way for students to travel.

Costs could vary, dependent on the actual anticipated enrollment. However, to date, a total enrollment of 150 students initial from grades Headstart to Grade 6 could be anticipated.

Actual land withdrawal for educational purposes has not been established or commenced.

Estimate of Probable Cost = \$3,100,000

Tuba City Primary School

This school was remodeled and additions were added in 1987 under the 1986 Master Plan, except for the kitchen for the school. The kitchen is antiquated, not complying with current codes and ADA accessibility and should be remodeled.

Current thinking is to convert this to a serving kitchen with a district-wide main kitchen proposed for the high school additions. This would provide greater efficiency in the Food Service for the entire District.

Estimate of Probable Cost = \$125,000

Eagles Nest Middle School

Additions and remodeling were provided at the Mid School to provide essential academic classrooms and replace the north classroom with that was destroyed by a fire.

Additional needs to provide a fully rounded Mid School are as follows:

1. Provide a covered walk area to the cafeteria from the academic classrooms for the health and welfare of the students. Currently, students are exposed to the elements.
2. Provide an enclosed walkway system between buildings A & C for the reasons indicated above.
3. A music room is necessary and anticipated to be constructed adjacent to the existing cafeteria. Currently there are no provisions for a music program.

4. The existing cooking kitchen is anticipated to be replaced with a servery type kitchen when a new District Food Service Facility is constructed at the high school.
5. Conference room is needed for the school, which would serve multiple needs, from teacher conferences, in-service programs and parent-teacher needs.
6. Physical Education needs are not now provided. Therefore, a P.E. teacher's office, storage room and a small, 30 student shower, locker and toilet room area is needed. Approximately 15 students of each sex.

Estimate of Probable Cost = \$525,000

Tuba City Junior High school

Extensive remodeling and additions were provided under the 1986 Master Plan Study. This, however, took care of the essential academic classroom needs and code violation problems associated with the "old school".

Facilities that are still needed to provide a proper Junior High School and provide equality to all students are as follows:

1. New Gymnasium facility - The current gym is very small and cannot accommodate more than one (1) Physical Education class at a time, thus restricting the physical activity of students, especially in inclement weather.

This area would include room sufficient for one (1) full basketball court and two (2) cross-courts with seating.

Athletic Storage Rooms and toilet facilities for student and public use.

2. Music room for choral music tied into the existing instrumental music classroom.
3. Primary need based on the potential restructuring of the Junior High School and Middle School requires moving the 6th Grade to the Junior High School to provide room for growth in the Middle School. This would require the addition of a minimum of six (6) 1000 sq. ft. academic classrooms, toilet rooms, teacher's work room and divisible classroom for Chapter I and ESL and a Resource Room for Special Education.

Estimate of Probable Cost = \$3,200,00

Tuba City High School

Substantial additions have been made to the existing high school to provide a new library and academic classrooms and remodeling of 15 classrooms to bring up to code.

The remainder of the existing building still does not comply with current codes, ADA provisions, etc.

It is necessary to remodel the existing building to accommodate these essential compliance issues. A complete new roof over the existing High School is badly needed, as leaks continue to appear which does not help the overall maintenance issues facing the District on this building and could affect the structural adequacy of the structure.

In addition, vocational programs are essentially non-existent and must be expanded to meet the needs of the High School program toward teaching local students jobs skills to help unemployment within the local community. Vocational areas that are currently planned to be constructed consist of the following:

1. Auto Maintenance
2. Metals
3. Building Trades
4. Graphic Arts
5. Hospitality Industry
6. Drafting
7. Electronics

Additional needs that must be addressed is the Food Service for the District. County Health and the Indian Health Services have requested that improvements to facilities be made soon. The concept is to provide the Central Food Service Facilities at the High School, which would also allow the potential for student help within the kitchen, providing that they receive food handlers certification.

In conjunction with the new Central Kitchen facility, a Dining Room/Multi-purpose Room is needed desperately to allow for a multitude of uses. Currently, students have nowhere to go during inclement weather days.

Special Education, self-help program requires enhancement. Programmed is an area that would provide, along with the vocational programs, an area that would have small shops for retail sales of various items that would teach sales skills and provide an outlet for creative crafts. This would also work in conjunction with the Home Skills program and be adjacent to the Central Kitchen.

A new Gymnasium is an essential element of new construction. Since basketball is a significant community activity, significant crowds attend all basketball games. A Gymnasium seating 500 persons is essential. The gym would also provide Physical Education needs. Lockers and showers for P.E., as well as sports activities.

Music and Arts programs are essentially non-existent and are currently accommodated in substandard facilities. An entire complex is planned providing a new music facility along with a relatively small, intimate theater, as there is no place for student performances and/or Community programs.

Completing the High School will provide the students and the Community as a whole a much needed facility serving the needs of all age groups and will include a Cultural Center that would provide a repository for the artifacts that are currently housed in a substandard relocatable structure. A new Cultural Center would provide a meeting place for the Navajo Elders to teach Navajo Culture, as well as Hopi Culture to the students of the District.

An Activity Patio is also planned to provide much needed socialization space for High School, as well as provide for Community cultural activities.

Warrior Drive will need to be relocated to accommodate the new additions outlined above, which will allow the full use of the school's current leased land for Physical Education fields, courts, etc., which are now non-existent.

Estimate of Probable Cost
to complete the High School = \$17,706,540

District Facilities

Current District-wide offices are fragmented and without cohesive proximities. This provides for inefficient operations of the District.

The existing District facilities are in trailers, old deteriorating relocatable buildings, etc.

A new District Office with everyone under one roof would be a great benefit to the District, providing better educational opportunities to the children of the District.

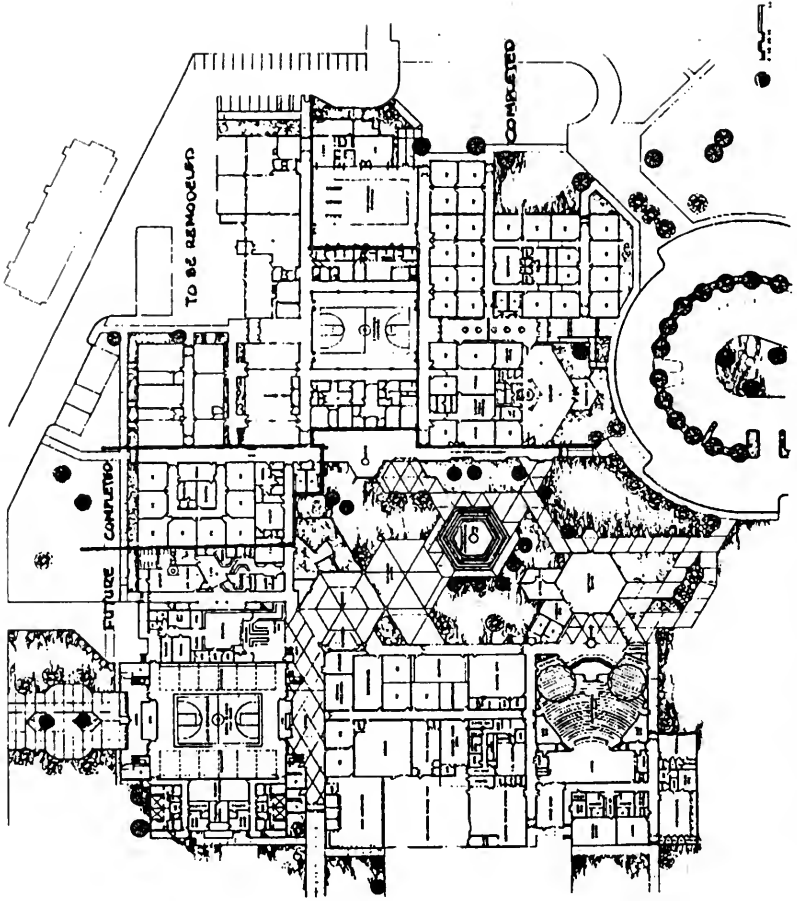
Estimate of Probable Cost = \$1,120,000

District Housing

District Housing is an issue that has not been previously addressed. Housing is an essential issue at Tuba City because without attractive, up to date housing, it is difficult to entice teachers to Tuba City. Trailers should be phased out, as most of this type of housing is not suited for the severe weather experienced in the Tuba City area (Winters to 20°F below Zero). In addition, existing row apartments need to be remodeled and brought up to code. Drainage is and has been an on-going problem area in and around the existing housing units.

It is anticipated that there should be a mix of one-, two- and three-bedroom units with some four-bedroom units. These could be townhouse type units. An actual cost has not been made, but it is estimated that the average cost per unit would be in the vicinity of \$80,000 to \$90,000.

Assuming that 20 units are needed at this point, based on replacement housing and new staff requirements due to increased growth, the estimate of probable cost would be in the vicinity of \$1,800,000.



TUBA CITY HIGH SCHOOL • 1992 ADDITIONS & REMODEL • FUTURE AUDITORIUM & GYMNASIUM
TUBA CITY JUNIOR SCHOOL DISTRICT #11 TUBA CITY, ARIZONA



TUBA CITY UNIFIED SCHOOL DISTRICT NO. 15

P. O. BOX 67 • TUBA CITY, ARIZONA 86045

"PRIDE INSIDE"

CAMERON SCHOOL

Actual and Projected Student Enrollment

Grade	<u>1991-92</u>	<u>1992-93</u>	<u>1993-94</u>	<u>1994-95</u>	<u>1995-96</u>
Headstart	45*	47*	52*	57*	62*
Kindergarten	24	20**	25**	25**	25**
First	32	24	23***	25	25
Second	15	34	27***	23	25
Third	25	15	37***	27	23
Fourth		23****	18***	37	27
Fifth			26***	20***	40***
Sixth	—	—	15*****	28***	22***
Total:	141	163	223	242	249
TCUSD Enrollment:	96	116	171	185	187

* Headstart Program's membership for 91-92 and projections. For 92-93, the program anticipates 20 students within the regular program, 10 homebase, and 17 on the waiting list. The program would use both classrooms proposed at the new school and may continue the homebas program, whereby serving all headstart-age children in the Cameron area. (Per Jerry Sloan, Education Specialist with the Western Navajo office, June 17, 1992).

**Projected number of headstart students to be promoted to kindergarten.

***Allowance for students presently attending other schools to return.

****Number of third graders at Cameron School promoted to fourth grade.

*****Anticipated number of sixth graders to return and attend the new school.

Prepared by Selena Smith, Community Liaison, June 1992

Resources:

Principal's "Projected Class Sizes for 1992-93"

Headstart Program "Projected Enrollment for New Cameron School," June 17, 1992

TCUSD "100th Day Enrollment" for 1991-92

"Profile 1 - Characteristics of the Population," 1990 Census of Population and Housing for Cameron, Arizona

TUBA CITY UNIFIED SCHOOL DISTRICT No. 15

MEMORANDUM

TO: George Abe, Member
Governing Board

FROM: Alvin Harvey, Business Manager

RE: BOND FUND

DATE: July 6, 1993

This is a quick overview of financing alternatives: Arizona School Districts have three financing options to evaluate when funding their capital improvement projects.

1. General Obligations Bonds (G.O.'s);
2. Pay as you go (Cash from Capital Reserve);
3. Lease Purchase/Certificates of Participation ("COP's");

With the exception of the Pay as you go (Cash) alternative, lease purchase and general obligation bonds require special elections seeking authorization from the District electorate to raise the required capital. Financial data on the District Bond issuance are attached as you requested.

During the 1991-92 school year we had Bond obligation in the amount of \$4,150,000. of which we refunded \$1,975,000. leaving a balance of \$2,175,000. We then sold \$2,955,000. in new bond to bring our obligation to \$5,130,000. The repayment schedule on this amount is also attached. You can see that total bond money made available with this issuance was \$2,955,000.

The High School Addition & Remodeling Project cost \$5,360,000, which was paid with the Bond money and Capital Reserve funds. This construction did not include the much needed gym, cafeteria, auditorium, music, and vocational areas.

The balance of the funds are as follows:

Bond balance available (approx.)	\$300,000
Capital Reserve balance (approx.)	\$5,047,979
TOTAL	\$5,347,979
Expenditure for 92-93 (approx.)	-\$3,000,000
Balance	\$2,347,979

This remaining balance will be utilized to build the new Cameron School leaving no balance to finance and build the Gap School. the present price projection for each school is \$3,800,000. A copy of RSGS 1987 and the 1992 update of comments and cost estimates for Cameron and Gap Schools is also attached.

Combine this with our continuing dispute with the State regarding 874 deducts and Reversion of Annual Cash Balance creates an uncertain financial position for future construction of much needed facilities.

Hopefully, this will assist you in your presentation.

**TUBA CITY UNIFIED SCHOOL DISTRICT NO. 15
OF COCONINO COUNTY, ARIZONA**

FINANCIAL DATA

Current Year Statistics (For Fiscal Year 1991/92)

Tuba City Unified School District No. 15

Total Direct General Obligation Bonded Debt	\$ 5,130,000 (a)
Primary Assessed Valuation	17,034,636 (b)
Secondary Assessed Valuation	17,103,418 (b)
Estimated Full Cash Value	58,632,677 (c)

- (a) Includes bonds outstanding (net of the Refunded Bonds) and the Bonds to be issued, less estimated redemption funds on hand.
- (b) Arizona property taxes are divided into two categories, primary and secondary. Secondary property taxes are those taxes and assessments imposed to pay principal and interest on bonded indebtedness and certain other obligations, those imposed for special districts other than school districts and those imposed to exceed a budget, expenditure or tax limitation pursuant to voter approval. Primary property taxes are all ad valorem taxes other than secondary property taxes. Annual increases in the valuation of certain types of property for primary property tax purposes and the amount of primary property taxes which may be levied in any year are subject to certain limitations. These limitations do not apply with respect to secondary property taxes.
- (c) Estimated full cash value is the total market value of the property less estimated exempt property within the District as estimated by the Arizona Department of Revenue, Division of Property and Special Taxes.

STATEMENT OF BONDED INDEBTEDNESS

Direct General Obligation Bonded Debt to Be Outstanding (d)
Tuba City Unified School District No. 15

Issue Series	Original Amount	Maturity Dates	Balance Outstanding	Amount of Issue to Be Refunded	Balance Outstanding as Obligation of the District
1989	\$5,300,000	7-1-90/98	\$4,150,000	\$1,975,000	<u>\$2,175,000</u>
Total General Obligation Bonded Debt Outstanding					\$2,175,000
Less Estimated Redemption Funds on Hand					<u>(-0-)</u>
Net General Obligation Bonded Debt Outstanding					\$2,175,000
General Obligation Bonds to Be Issued					<u>2,955,000</u>
Net General Obligation Bonded Debt to Be Outstanding					<u>\$5,130,000</u>

- (d) Excludes \$800,000 aggregate principal amount of Tuba City Unified School District No. 15 of Coconino County, Arizona, School Improvement Bonds, Project of 1984, Series C (1988) which were refunded to maturity by the \$5,300,000 Tuba City Unified School District No. 15 of Coconino County, Arizona, School Improvement and Refunding Bonds, Series 1989. Debt Service requirements for that portion of the refunded bonds currently outstanding are secured by obligations issued by or guaranteed by the United States government and its agencies which are being held in an irrevocable escrow account at The Valley National Bank of Arizona in Phoenix, Arizona.

Direct Bonded Debt, Legal Limitation and Unused Borrowing Capacity
Tuba City Unified School District No. 15

1991/92 Thirty Percent Arizona Constitutional Limitation (30% of Secondary Assessed Valuation)	\$5,131,025
Direct General Obligation Bonded Debt (includes Bonds to Be Issued)	<u>(5,130,000)</u>
Unused Thirty Percent Borrowing Capacity	<u>\$ 1,025</u>

Assessed Valuation Percentages

The debt limitation for unified school districts is 30% of total secondary assessed valuation as shown by the most recent assessment roll. Assessed valuation is determined by multiplying the full cash value of property by a percentage determined by reference to the classification of such property by use. Legislation has altered the percentages utilized in determining assessed valuations of various categories for fiscal year 1985 and subsequent years as follows:

DEBT SERVICE REQUIREMENTS

The following schedule illustrates annual debt service on the bonds outstanding and annual debt service on the Bonds presently being offered herein.

Schedule of Annual Debt Service Requirements (a)
Tuba City Unified School District No. 15

Fiscal Year	Bonds Outstanding (b)		Bonds to Be Issued		Total Annual Debt Service Requirements
	Principal	Interest	Principal	Interest (c)	
1991/92	\$ 250,000 (e)	\$845,825	\$ 10,000 (e)	\$ 164,259 (d)	\$1,270,084
1992/93	975,000	145,825	10,000 (e)	763,518	1,894,343
1993/94	450,000	72,700	15,000 (e)	1,323,518	1,861,218
1994/95	<u>500,000</u>	38,500	15,000 (e)	1,128,518	1,682,018
1995/96			195,000	168,518	363,518
1996/97			205,000	158,963	363,963
1997/98			215,000	148,508	363,508
1998/99			230,000	137,113	367,113
1999/00			245,000	124,463	369,463
2000/01			255,000	110,620	365,620
2001/02			270,000	95,830	365,830
2002/03			290,000	79,900	369,900
2003/04			315,000†	62,500	377,500
2004/05			335,000†	42,813	377,813
2005/06			<u>350,000</u>	21,875	371,875
	<u>\$2,175,000</u>		<u>\$2,955,000</u>		

† Term Bonds subject to mandatory sinking fund redemption.

- (a) Prepared by Peacock, Hislop, Staley & Given, Inc., the Underwriter.
- (b) Bonds outstanding are net of all refunded bonds.
- (c) Interest is actual.
- (d) The first interest payment on the Current Interest Bonds will be due on July 1, 1992, and represents six months' interest from the date of the Current Interest Bonds. Thereafter, interest payments will be made semiannually on July 1 and January 1.
- (e) Premium Capital Appreciation Bonds.

NEW ELEMENTARY SCHOOL
CAMERON AND THE GAP (OR CEDAR RIDGE)

GENERAL DISCUSSION:

The facilities at both Cameron and The Gap consist of portable classroom space utilizing rather standard pre-engineered portable units and trailers.

It is the desire of the District to develop more permanent type facilities at both of these locations consisting of essential space to provide for grades Kindergarten through the sixth grade in an effort to draw additional students into the public school system.

This would allow students from these service areas to remain at "home" without having to be bussed to Tuba City on a daily basis for Grades 4 through 6, as well as draw additional students from the boarding schools back to their own "home" school.

It is also anticipated that if grades K through 6 were offered at these two locations, there would be no effect with the student enrollment at either the Primary and/or the Mid School in Tuba City as "new" students would attend these schools. Therefore, student projected enrollments at the Tuba City School at both the Primary and Mid School would remain essentially unchanged.

New School sites should be selected at both locations having the following qualifications to minimize the required site development costs:

- a) 10 Acres minimum size.
- b) Adjacent roadway access.
- c) Gentle slope providing good surface drainage.
- d) High potable water table to minimize well development costs.
- e) Good percolation for waste water development.
- f) Close proximity to power and telephone services.

Cameron School:

The present temporary buildings housing the School are adjacent to and on property provided by the Chapter and it is anticipated that this location would be abandoned in favor of another location north of this site and provided by the Chapter.

Development of the new site would entail considerable additional expenditure to provide all utility services, including well development and waste water systems, grading, development of playgrounds, landscaping and required paved access and parking.

There appears to be some question as to whether the Navajo Nation would develop a well at this location for use by the School. In addition, the amount of land set aside needs to be verified.

1985-86 enrollment was approximately 77 students for Grades K through 3.

Based on an "ideal" maximum student/classroom/teacher ratio of 20 students per classroom for Kindergarten and about 25 students maximum for Grades 1 through 6. The initial School phase could accommodate approximately 170 students.

The Gap School (Cedar Ridge)

There has been considerable discussion centered around a permanent location for this School. Presently the School at The Gap (1985-86 School Year) had an enrollment of 37 students in Grades K through 3.

It is anticipated that more students could be accommodated if the School were located at Cedar Ridge, which would be in the center of a larger population area, and draw additional students to the public school system.

Moving to Cedar Ridge will be dependent on the Chapter and whether land can be made available for a School at this location.

The size of the School to be developed at either location is largely dependent on exactly how many potential students can be identified that would attend this School.

In any event, certain "core" facilities should be provided such as the Administrative Unit, Library/Media Center, Toilet Facilities and possibly a small Multi-Purpose Room. Classrooms could become the variable in total new construction.

If only 8 students per grade level were to be accommodated (the present average), only one-half classroom space would need to be developed initially per grade level.

If half classrooms were provided initially, these would provide, based on the District "ideal" standards, 10 students at the Kindergarten level and 13 students at each of the other grade levels from 1 through 6, or a total of 88 students or approximately double the current 1985-86 enrollment.

However, if substantial "new" students can be identified, basic facilities could be constructed identical to Cameron and provide for a total of 170 students, initially.

AREA REQUIREMENTS AND COST ESTIMATE

FOR NEW SCHOOLS AT CAMERON AND THE GAP (OR CEDAR RIDGE)

Note: The following estimates are provided based on the ideal optimum facility area and a minimal area solely to provide the School District some basic options in establishing and prioritizing a Capital Improvement Program.

It should be noted that all cost estimates are based on comparative costs within Coconino County for comparable facilities recently bid, constructed or under construction, and are projected to a mid-point of construction in the Fall of 1987, based on current inflation rates. Figures may change due to unpredictable circumstances.

	<u>Optimum</u>	<u>Cost</u>	<u>Est.</u>	<u>Minimal</u>	<u>Cost</u>	<u>Est.</u>
	<u>S.F.</u>	<u>Factor</u>	<u>Cost</u>	<u>S.F.</u>	<u>Factor</u>	<u>Cost</u>
<u>Building Classrooms</u>						
1 - Kindergarten	1200 x	67.50 =	81,000	900 x	67.50 =	60,750
1 - First Grade	900 x	65.00 =	58,500	784 x	65.00 =	50,960
1 - 2nd Grade	900 x	65.00 =	58,500	784 x	65.00 =	50,960
1 - 3rd Grade	900 x	65.00 =	58,500	784 x	65.00 =	50,960
1 - 4th Grade	900 x	65.00 =	58,500	784 x	65.00 =	50,960
1 - 5th Grade	900 x	65.00 =	58,500	784 x	65.00 =	50,960
1 - 6th Grade	900 x	65.00 =	58,500	784 x	65.00 =	50,960
Special Education	900 x	65.00 =	58,500	784 x	65.00 =	50,960
Reading/Computer	450 x	65.00 =	29,250	392 x	65.00 =	25,480
ESL	450 x	65.00 =	29,250	392 x	65.00 =	25,480
Bi-Lingual	450 x	65.00 =	29,250	392 x	65.00 =	25,480
Title VII	450 x	65.00 =	29,250	392 x	65.00 =	25,480
	9,300		605,250	7956		519,390

Administration

Principal	150 x	80 =	12,000	120 x	80 =	9,600
General Office	200 x	80 =	16,000	150 x	80 =	12,000
Workroom	150 x	80 =	12,000	150 x	80 =	12,000
Psychologist/Counselors	120 x	80 =	9,600	120 x	80 =	9,600
Teacher Lounge/Work	150 x	80 =	12,000	150 x	80 =	12,000
Toilets (2 @ 80)	160 x	120 =	19,200	160 x	120 =	19,200
	930		80,800	850		74,400

Library/Media Center

Library	1,800 x	78 =	140,400	1568 x	78 =	122,304
Librarian	120 x	65 =	7,800	120 x	65 =	7,800
Work	120 x	80 =	4,600	120 x	80 =	9,600
	2,040		152,800	1808		139,704
Multipurpose	4,500 x	75 =	337,500	1800 x	75 =	135,000
Storage/Custodial	200 x	50 =	10,000	200 x	50 =	10,000
Toilet Rooms (2 @ 150)	300 x	120 =	36,000	300 x	120 =	36,000
	5,000		383,500	2300		181,000
Circulation, Walls/ Corridors	4,300 x	60 =	258,000	3300 x	60 =	198,000

ESTIMATED TOTALS

FOR BUILDING ONLY 21,570 SF 1,480,350 16,214 SF 1,112,494

Site Development Cost

The following estimated costs at this writing are purely speculative but will provide some guidance to the District in anticipating what may be involved in site development. Note that any site development costs for Cameron and The Gap are difficult to ascertain because site locations and conditions are completely unknown at this time and certain assumptions must be made.

The following assumptions are based on a completely new 10-acre site without benefit of public utilities, and assuming that no off-site development will be required to provide paved access to the site.

Site development can also essentially be considered 100% complete for future expansion in the initial phase of construction as all utilities should be designed for the ultimate capacity, especially with regard to well and storage tank capacities. Waste systems can be expanded and need only serve the initial population load imposed.

Earthwork:

Buildings	\$ 25,000
Parking and Walkways	2,700
Playfields and Playgrounds	18,000
Topsoil	5,000
Miscellaneous	3,000
	<u>\$ 53,700</u>

Utilities:

Well	\$ 60,000
Fire Flow Storage Tank & Pumps, etc.	150,000
On-Site Sewage Disposal	60,000
Electricity	10,000
Propane Distribution	15,000
Telephone	2,000
Fire Loop & Hydrants	8,000
	<u>\$ 305,000</u>

Paving and Concrete:

Parking & Bus Drive	\$ 20,000
Walkways	7,000
	<u>\$ 27,000</u>

Fencing

\$ 22,000

Playground Equipment

\$ 25,000

Landscaping:

Irrigation	\$ 70,000
Trees & Shrubs	60,000
Hydro-Mulch	40,000
	<u>\$ 170,000</u>

TOTAL SITEWORK IMPROVEMENTS \$530,710

As can be seen by the above estimated building needs at Cameron and The Gap (or Cedar Ridge) and their respective costs, a rather wide range of options can be presented to the District dependent on priorities and ascertained need.

A few of the options are provided in summary below.

Cameron and The Gap (or Cedar Ridge) Elementary School:

<u>Optimum School</u>		<u>Minimum School</u>
Site Development	\$ 530,710	\$ 530,710
Buildings	1,480,350	1,112,494
Total	<u>\$2,011,060</u>	<u>\$1,643,204</u>

Total Building Area: 21,570 SF = \$93.23 16,214 SF = \$101.34

Fees: (Includes Civil Engineering, Mechanical, Plumbing, Electrical, Fire Protection, Structural, Architectural, Landscaping, Acoustics, etc.)	\$ 140,774	\$ 115,025
Permits, Soils Testing, Misc.:	<u>30,200</u>	<u>24,648</u>
	<u>\$ 170,974</u>	<u>\$ 139,673</u>
ESTIMATED TOTAL COST:	<u>\$2,182,034</u>	<u>\$1,782,877</u>

OPTIONS

Additional options and variables may be taken into account which would reduce overall costs, such as availability of utilities, more favorable conditions for development of well and storage for fire flow based on requirements of the Arizona State Fire Marshal, which could substantially reduce the initial cost of this project.

Another option would be the use of existing portable classrooms available within the District and at these sites to help reduce the initial costs, until definite student population increases at these sites are a definite reality.

The Gap (or Cedar Ridge) site could also be reduced in initial cost if the student population does not warrant full size classrooms at each grade level, but would only warrant the construction of half size classrooms for each grade level until a definite need is established.

This would not provide a substantial decrease in initial cost, as the classroom spaces are essentially the lowest cost areas, but with the allowance for circulation, walls, etc., would constitute a 5,812 S.F. decrease at \$60/S.F., or \$348,750 decrease for the optimum condition and a 4,972 S.F. decrease at \$60/S.F., or \$298,350 decrease for the minimal condition.

It would be assumed that for the above reductions the sitework, Administrative, Library and Multipurpose Areas would have to remain constant, as the "core" of the new school from which systematic expansion may take place.

DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service
Health Services Administration

November 21, 1991

Stanley Robbins, Councilman
Cameron Chapter
P.O. Box 718
Chinle, Arizona 86503

Dear Mr. Robbins:

On October 29, 1991, a report of wastewater discharge from the Cameron Chapter stabilization pond was reported to the Tuba City Office of Environmental Health and Engineering. The single cell oxidation pond is located 100 yards north of the Cameron Chapter House and serves the Navajo Child Development Headstart School, the State Public School, and the Cameron Chapter Trailer Court. The stabilization pond is maintained by the Cameron Chapter. Mrs. Angie Maloney, Tuba City District Sanitarian, and Carol Rogers, Field Engineer investigated the report.

During our site visit, a continuous stream of wastewater was observed overflowing from the lagoon to the west of the cell (Exhibit A-1, 2). The effluent was flowing in a pattern similar to a small wash (Exhibit A-3, 4, 5, 6,). Tall, thick foliage was growing in this wash area. Animal tracks could be seen in the wastewater area (Exhibit A-6). The flow of effluent was evident for about 300 feet to the edge of an adjacent dry wash which is a tributary to the Little Colorado River located about 1/4 mile to the north (Exhibit A-9, 10).

In addition to the overflow on the west side of the lagoon, a pond of wastewater was also noted just outside of the east lagoon bank. This would indicate seepage through the lagoon berm, (Exhibit A-7, 8). This area also had excessive foliage inside the lagoon and around the base of the east bank.

A head count was done on the facilities utilizing the lagoon. The Headstart school has 20 students with 4 staff members on a daily basis. Two days of the month, 1 teacher with 10 students arrive at the Navajo Headstart. Average water usage for the headstart is 24,000 gallons per month (gal/mo). The Cameron Public School has 95 students along with 15 staff members. Average water usage for the public school is 33,000 (gal/mo). The Cameron trailer court has 4 family trailers with an average water usage of 34,000 (gal/mo). On the average, 91,000 gallons of effluent enters the lagoon every month. During the month of October, 137,000 gallons of wastewater was discharged into the lagoon.

A meeting was held on October 30, 1991, with chapter representatives to discuss recommendations from the Tuba City Environmental Health Office.

Short term recommendations included the following:

1. Pumping the wastewater to another lagoon site. Presently the Tuba City Navajo Tribal Utility Authority (NTUA) has agreed that the chapter can dump the effluent into the Cameron NTUA lagoon located 1.5 miles southeast of the Chapter house. This dumping can occur as long as the lagoon is not being overloaded, based on monitoring by NTUA.
2. Removal of trailers from the wastewater system. There are two trailer parks within the Cameron community that the trailers can be moved into.
3. Water conservation within the school system. Showers within the school buildings could be blocked to prevent usage. The school kitchen could utilize single service utensils to minimize dishwashing of non-disposable items. The water closets could incorporate ballast bottles inside the toilet tanks to minimize the water flush volume. The present flush volume is 8 gallons/flush, this could be reduced to 4-5 gal/flush.

4. It was recommended that a catchment pond be built just below the west bank overflow pipe. A fence should be put up to prevent animals from drinking the wastewater.

The Cameron Public School will be building a new school in the near future, maybe within the 1992-1993 school year. With the school moving to a new location, the lagoon will be adequate for the headstart school. The Chapter should limit growth potential on the lagoon by not allowing any more service connections to the Cameron Chapter water and sewer systems after implementing the above recommendations.

The meeting was concluded with the chapter representatives agreeing to discuss the recommendations presented and to rectify the overflow situation.

Reviewed by:

Angie Maloney

Angie Maloney
District Sanitarian
Tuba City Service Unit

Carol Rogers

Carol Rogers
Field Engineer
Tuba City Service Unit

LETTER FROM RONALD R. GADBERY, CSI, ROSSMAN, SHNEIDER,
GADBERY, AND SHAY

April 6, 1992

Ms. Selena Smith
Tuba City Unified District No. 15
Post Office Box 67
Tuba City, Arizona 86045

RE: ASSESSMENT OF EXISTING
CAMERON SCHOOL FACILITIES
RSGS PROJECT NO. 9204

Dear Ms. Smith:

The following is a brief description of the existing Cameron Elementary School Facilities that will specifically address some of the major deficiencies found to exist, providing a less than acceptable environment for learning:

- 1) The site is within the Cameron Chapter Compound, which has dirt roads that create dusty conditions due to the prevailing south-westerly winds and traffic entering the Compound. This is not a healthy environment for children within the confines of the School area either on playgrounds or in the "temporary" buildings.
- 2) The site is not of sufficient size to provide adequate playground areas for the students. In addition, there is a lack of playfield areas and diversity of play areas.
- 3) The site is in too close proximity to the waste water lagoon that serves the Cameron area. According to State Health requirements, there should be a minimum of 300 feet from the School grounds to the lagoon. According to the Public Health Services, they prefer 1000 feet. The waste water lagoon has been purported to have untreated waste water discharging into the lagoon.

- 4) Water service is poor and the quality of water is less than desirable. Water contains a high content of solids in suspension and is worse during dry summer or drought conditions.

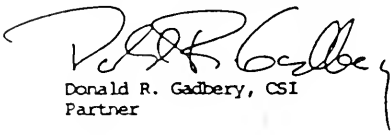
Mineral content is high and has a tendency to cause damage to valves and plumbing fixtures. The water has an unsavory taste and is usually brown in color.

- 5) Buildings are "temporary" structures and are relocatable buildings and trailers. These buildings have, for the most part, seen their useful life and have the following deficiencies:
- A) High cost mechanical systems to operate.
 - B) Poorly insulated buildings in floors, walls and roofs.
 - C) Doors that open directly to outside that cause drafts across floors, especially for Pre-School and Kindergarten children. They also cause heat loss through the door each time they are opened.
 - D) Children moving from one building to the next must go outside which is not a healthy situation in cold, inclement weather.
 - E) Kitchen facilities are not adequate and do not comply with current codes for safety, fire and health requirements.
 - F) Toilet facilities are not in conformance with current health and handicap standards.
 - G) Accessibility to the handicapped is not properly accommodated.
 - H) There are not sufficient facilities for the various aspects of a full range of services to provide an acceptable learning environment, such as Library, specialty classrooms for Reading, ESL, Special Education and other pull-out programs.

These are only the major considerations to relocate and/or construct a new School facility so that the children of the Cameron area can have the proper "learning environment" in which to develop character, intelligence and activity of the individual child.

Sincerely,

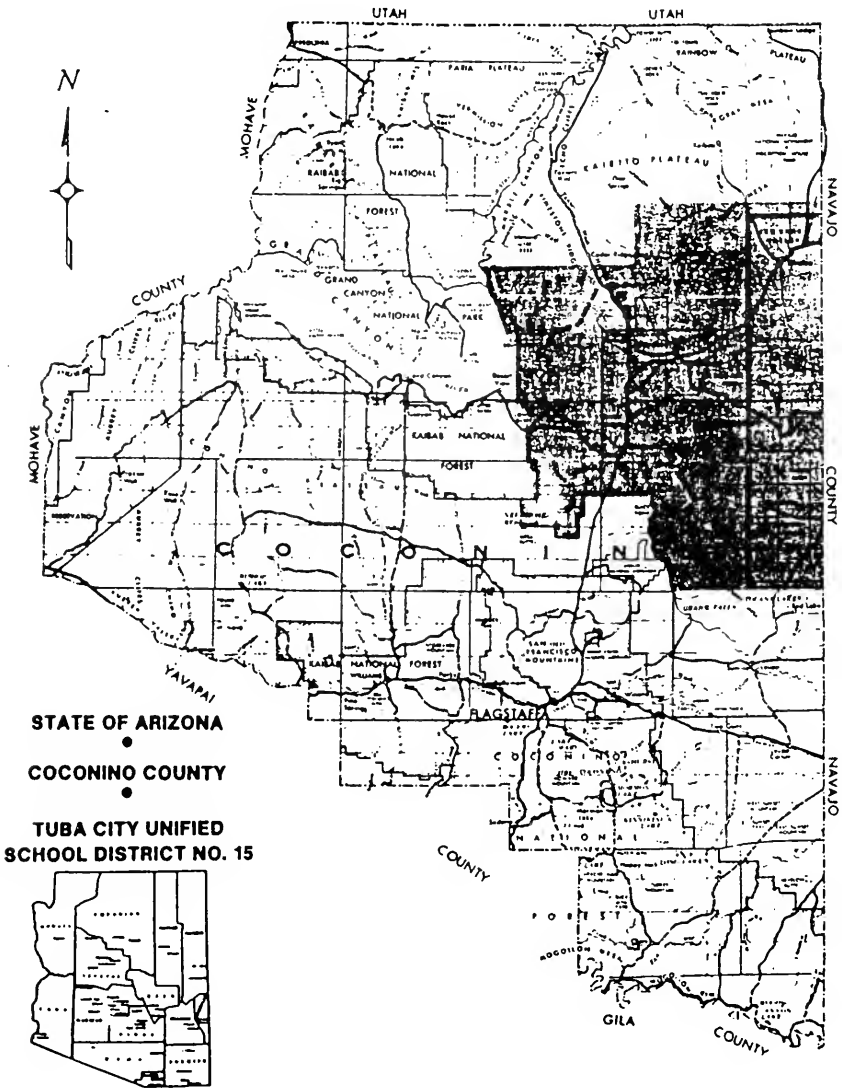
ROSSMAN SCHNEIDER GADBERY SHAY


Donald R. Gadbery, CSI
Partner

DRG/meh

cc: Dr. Hector Tahu
Mr. Charles Brown

MAP of TUBA CITY UNIFIED SCHOOL DISTRICT NO. 15 ATTENDANCE BOUNDARIES AND AREAS.



RESOLUTION OF THE CAMERON CHAPTER

Requesting the Coconino County School District to Undertake a Study to Determine the Feasibility of Constructing a Public School Within the Cameron Chapter Community.

WHEREAS:

1. Many children within the Cameron Chapter Community are presently required to attend boarding schools 9 months a year in communities many miles distant from the homes of their parents; and
2. Other children within the Chapter are required to ride buses 40 to 50 miles a day in order to attend day schools at Tuba City, Arizona or Flagstaff, Arizona; and
3. It would be in the best interest of the children within the Cameron Chapter Community that a school be constructed near their homes to serve the needs of the numerous Navajo and non-Indian students who are presently required to commute long distances in order to receive a quality education; and
4. The Cameron Chapter has withdrawn 67.4 acres for the purposes of constructing the much needed school within the Cameron Chapter Community.

NOW THEREFORE BE IT RESOLVED THAT:

The Cameron Chapter for and on behalf of the Cameron Chapter Community hereby respectfully requests the Coconino County School District to undertake a study to determine the feasibility of constructing a public school within the Cameron Chapter Community.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Cameron Chapter at a duly called meeting at Cameron, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 32 in favor and 0 opposed, this 16 day of July, 1977.

Ace Charles
Chapter President

Byron Hunkler
Chapter Vice-President

Stephene J. S.
NAVAJO TRIBAL COUNCIL DELEGATE

Louise Ralston
Chapter Secretary

STATEMENT OF EDUCATION CONCERNS RELATIVE TO THE
IMPACTS OF THE FORMER BENNETT FREEZE

JULY 9TH, 1993

SENATOR DeCONCINI WELCOME:

It is our hope that a new chapter in the history of the Western Navajo will start today with this hearing. A fresh start to pursue a future that holds the promise of jobs and self-sufficiency. This future can only be achieved through an investment in our human resources and sustained by an educated community.

Originally intended to be a temporary, the 27 years of restrictions to development and improvements of the 1.4 million acre area (which is essentially synonymous with our school attendance boundary - see attachment #7) has caused numerous obstacles to the educational pursuits of the tens of thousands of students and forced the deterioration and overcrowding of school facilities. A Dark Age of despair and suffering casted a long shadow over this area.

For 27 years, parents of the freeze area were faced with the dilemma of have their children live in overcrowded conditions and endure bleak living and road conditions or have their children be placed in a boarding school dormitories but then be deprived of being part of the family and thus weakening the family unit.

Currently over 50% of students live in substandard homes that have neither electricity nor running water. In these homes, homework is performed by candlelight or kerosene lantern.

Senator, due you realize that the average student in Tuba City is bussed over an hour to and from school because community schools could not be built. Students often arrive to school already tired and ill prepared to learn.

Community based schools if were able to be developed, would have allowed students to be educated in their communities and avoid long trips into Tuba City. Also community schools will provide a focus for community development. These are the hopes and aspirations for the residents of Gap and Cameron for over 20 years.

Pre-schools in have been forced to change from center based schooling, because of unsafe and health-related hazardous conditions, to home based schooling. Center based program is a classroom setting where the children are bussed to school everyday. The home based program restricts the teacher much more by having to provide services at the home of the student. Research shows that early childhood education is well worth the investment and center based preschool in Tuba City is in dire need to meet the ever growing population.

The Gap School, which is situated in the Former Bennett Freeze proper, is housed in a double wide trailer, purchased in 1975. A recent inspection by the Public Health Service reveals numerous and sever problems with the trailer including; cracked roof beams, broken windows, inoperative heating vents, sagging floors, deteriorating plumbing, and insufficient classroom space. The trailer has deteriorated beyond repair and presents a serious health and safety hazard. The present school is next to an overload sewer lagoon that is deemed to be out of compliance with health standards.

Also, situated in the Bennett Freeze is Cameron School. Located in a temporary facility originally designed for 50 students it now houses 100 students. The present facilities are dilapidated and unsafe. New elementary schools at Gap and Cameron will allow students to be much better serviced in their communities and would dark boarding school students back to their homes. A major positive benefit will allow children to live at home with their family and thus strengthening rather than weaken the family unit.

With a severely limited tax base and bonding ability, Tuba City School District 26 million dollars short in meeting the basic needs of its students. With the small amount of bonding ability it has left, TCUSD is attempting to finance a new K-6 school at Cameron, Arizona. The estimated cost is currently between 3.8 and 4.0 million.

Overcrowding conditions were recently alleviated at the Tuba City High School with the addition of 20 classrooms but numerous deficiencies still plague the High School. In order to meet code standards for health and safety, major renovations are needed in the old portion of the high school. Other needed basics include a cafeteria central kitchen, vocational center and gymnasium.

We also support school renovations and repairs for the BIA Boarding school, Navajo Headstart and Navajo Community College, all of whom have substantial student population residing in the Former Freeze area and also impacted by the growth in students from relocatees from the Hopi Partitioned Lands.

Senator, with your support we will bring an end to this Dark Age of this region. A new beginning that will provide the type of learning environment absent for the last quarter century.

In order to become self sufficient, the Former Freeze area needs jobs and economic development.

This last spring, we have graduated 150 students but only to face severely limited job opportunities. We need to educate a new generation of Navajo entrepreneurs. Youthful business orientated leaders that will create jobs and further stimulate the economy.

Together, let us refocus education into one of an innovative educational environment. One that will foster a generation of entrepreneurs and young leaders that will lead this region and Navajo Nation in the brighter economic future and help break the institutional barriers to economic freedom and the roots of dependency.

To achieve this end, a regional vocational center focused on business training and high tech skills is needed. Perhaps a multi-purpose facility that would combine various educational, athletic and retail business needs into one building complex.

If funding is to be made available for the TC Public School, then we request a funding method that will be target specifically for the Public School. One suggested method is funding through the Relocation Act such as in the case of funding for Sanders School District that was impacted by the New Lands relocation settlement.

Enclosed with this report is exhibits indicating our facility needs, the associated estimated costs, current finance capability and other related documents.

We do appreciate the Senator and the Senate Appropriations Subcommittee for taking time to come to this remote part of this great country and we know you will do what you can on behalf of the residents of the Western Navajo and help end this most unfortunate period in our history.

SUMMARY STATEMENT OF LORETTA FLATROCK

Senator DECONCINI. Ms. Flatrock.

Ms. FLATROCK. Thank you, Mr. Chairman, thank you for inviting me to testify to this subcommittee regarding the effects of the former Bennett freeze on the natural resources. I am Loretta Flatrock, board member of the Little Colorado River Soil and Water Conservation District. The Bennett freeze for the past 27 years has prevented the Navajo people from the use of the soil conservation practices and measures to protect, restore, manage, and development the needed livestock watering facilities such as windmills was prevented. Fencing for livestock was prevented. Even small restoration projects were not permitted.

The allocation of moneys that could have been used by this area has been utilized elsewhere on other parts of the reservation. Because of the Bennett freeze, many of the abandoned uranium mines were not cleaned up, and it has caused safeguard from the negative impact of severe public health hazard and risk. It has caused to eliminate radiation and heavy metal contamination of air, soil, water, and public health.

The Bennett freeze did not only affect ranchers, livestock users. The freeze also has caused serious problems for the farmers. Many of the irrigation systems have been seriously damaged during the past 27 years due to flooding and soil sedimentation and lack of adequate improvements in soil and water conditions. Land leveling, concreted ditch lining, and rehabilitating farmland structures simply did not occur.

Public Law 96-305 went into effect in 1980, restricting any and all development structures and rehabilitation on the Bennett freeze. When a farmer, Navajo farmer steps a foot outside their home or a Navajo rancher is seen walking to their corral, a Hopi tribal person would approach them with a Xerox copy of the notice explaining the Public Law 96-305 restriction of new developments and rehabilitations.

PREPARED STATEMENT

Thank you once again for this opportunity to testify. It is very important that you have come to Tuba City, and I hope that it means that the Government will begin to help us begin to address some of these problems.

Thank you.

Senator DECONCINI. Thank you.

[The statement follows:]

STATEMENT OF LORETTA FLATROCK

Mr. Chairman, thank you for inviting me to testify to this Subcommittee regarding the effects of the Bennett Freeze on the natural resources of the area. I am Loretta Flatrock, and I am a Member of the Board of the Little Colorado River Soil and Water Conservation District.

When you invited me to testify to the subcommittee on this important problem, I asked the Division of Natural Resources of the Navajo Nation to prepare for me and the Subcommittee an overview of the impacts on the natural resources in the former Bennett Freeze area. I have attached a copy of their written statement to my testimony. It covers a number of areas that are not addressed in my own testimony, such as the impact of the Freeze on air and water quality, as well as cultural and historic resources, parks and scenic areas. However, I believe that these por-

tions of the statement also should be of help to the subcommittee because these concerns need to be considered.

Although the impact of a 27 year Freeze on the natural resources of an area may not be as obvious as the poor condition of the housing and the lack of water, power and other services, to those trained in this field the consequences of such a Freeze are equally dramatic and severe. This is particularly true for an area such as that covered by the Bennett Freeze because many of the families that live there depend upon the land to farm and raise sheep and other livestock. These are important to the "traditional" Navajo way of life.

What the Freeze has done to these areas is prevent the use of many of the soil-conserving practices and measures that have over the past decade been used with increasing frequency across the other portions of the Navajo Nation. There have, essentially, been no rangeland improvements in the area for almost 27 years. Needed livestock watering facilities, such as windmills and stock ponds, have not been built, repaired, or rehabilitated. Fencing for livestock has not been put up or maintained across the 1.5 million acres of the former Bennett Freeze area. Even the reseeding of rangeland and brush control programs have not been permitted.

The Freeze also has presented serious problems for the farmland in the area. Prior to 1960, nearly two thousand acres of farmland were developed for irrigation in the former Bennett Freeze area. Many of the irrigation systems have been severely damaged during the past 27 years due to flooding, sedimentation and lack of adequate improvements in soil and water conditions. Land leveling, concrete ditch lining, and rehabilitating farmland structures simply did not occur. As a result, the amount of farmland that can be utilized in the area has decreased. Many of the Navajo families that live in the area cannot depend upon their farms and livestock to support themselves.

Mr. Chairman, I would be pleased to respond to any questions you may have regarding the impacts of the Freeze on the soil and the land. I also could provide any additional information you may require.

Thank you, once again, for this opportunity to testify. It is very important that you have come to Tuba City, and I hope that it means that the government will begin to help us begin to address some of these problems.

STATEMENT OF THE NAVAJO NATION DIVISION OF NATURAL RESOURCES

The Division of Natural Resources is responsible for the protection, restoration, management and sustainable development of all natural and cultural resources of the Navajo Nation. The Division appreciates this opportunity to provide a written statement to the Senate Interior Appropriations Subcommittee on the impacts of the twenty-seven year long Bennett "Freeze" on the protection, restoration, management and development of Navajo natural resources on which 2,500 families depend in the affected area.

SUMMARY: Cumulative impacts to natural resources in the Bennett Freeze area have directly affected the health, welfare and livelihoods of 2,500 resident Navajo families. Natural resources directly or indirectly impacted by the Bennett Freeze includes air, water, soil, rangelands, irrigated farmlands, cultural and historic resources, wildlife, and parks and scenic areas.

The ten Chapters included in the Bennett Freeze area are among the most rural and remote in the Navajo Nation. 2,500 families in the Freeze area have always been and continue to be especially dependent on natural resources for their traditional livelihoods of livestock raising and farming.

The Freeze denied these families any possible alternatives to their traditional economy, or any avenues for the protection, improved management and enhanced development of the natural resource foundation on which their traditional livelihoods depend.

Beyond direct impacts on natural resources and the livelihoods of people dependent on those resources, the Freeze made it virtually impossible for the Navajo Nation to safeguard Freeze area residents from the negative impacts of severe public health hazards and risks, including but not limited to the lack of timely remedial action to eliminate radiation and heavy metal contamination of air, soil, water and public health from abandoned open-pit uranium mines.

Additional detail is provided below on impacts to the people through constraints on specific aspects of natural resources protection, restoration, management and development. The Division of Natural Resources welcomes the opportunity to provide the Subcommittee with further information and documentation as may be requested, and to work with the Subcommittee to restore the natural resources foundation of the former Bennett Freeze area residents' livelihoods, health and well-being.

Air Quality: Nearly one hundred (100) abandoned open-pit uranium mines lie within the former Bennett Freeze area. Radioactive and heavy metal-laden spoils from the open pits has been subject to wind erosion and dispersion into the environment for thirty-five years (from 1957 to 1992) before the Navajo Nation was able to proceed with the first abandoned mine reclamation efforts. Prior to 1992 the Navajo Nation's most persistent efforts to initiate mine reclamation were frustrated by the Bennett Freeze.

The population center of Tuba City is among others downwind of the abandoned uranium mines. Despite abnormally high incidences of birth defects and cancers in the former Bennett Freeze area, which are suspected to be related to environmental contamination from these abandoned uranium mines, there have never been any detailed Indian Health Service or other analyses conducted in this critical area of public health concern.

Water Quality: Many of the above-mentioned abandoned open pit uranium mines either penetrated the shallow water table in the area, forming "uranium water pools", or contaminated runoff water which flowed on into the Little Colorado and Colorado Rivers and thence to downstream water users in Arizona, Nevada and California.

Most of these contaminated water supplies in the former Bennett Freeze area were used by livestock and in some cases as recreational swimming holes. The Bennett Freeze prevented either the assessment or remediation of these public health hazards, or the development of alternative water supplies for people and livestock in this the most arid region of the Navajo Nation.

Water Supply: In most areas of the former Bennett Freeze, the primary source of drinking water for residents has been and continues to be local windmill-pumped wells drilled to meet livestock watering needs. The Bennett Freeze prevented the development of replacement water sources for drinking water or other purposes, and severely constrained even the improvement of existing wells to provide better public health safeguards.

Soil Conservation: Soils in the vicinity of the abandoned uranium mines have been contaminated extensively, and as noted above, the Bennett Freeze prevented the initiation of any remedial action until 1972.

Apart from this contamination, soils throughout the former Bennett Freeze area suffer from extensive susceptibility to wind and water-caused soil erosion. These resource problems are normally and customarily addressed throughout the Navajo Nation through the conservation programs of the U.S. Department of Agriculture ("USDA") Soil Conservation Service (SCS) and Agricultural Stabilization and Conservation Service (ASCS).

In 1981 the Navajo Nation's first Soil and Water Conservation District (SWCD) was established in the communities most affected by the Bennett Freeze. This Little Colorado River Navajo SWCD was soon followed by four more Navajo SWCDs covering most of the rest of the Navajo Nation. Yet ironically the Nation's first SWCD was never able to enjoy the fruits of this historic relationship with the USDA, due to the Bennett Freeze. During the twelve years since the formation of the Navajo Nation's SWCDs, soil-conserving practices and measures have been installed at ever-increasing rates in all areas of the Nation except the Bennett Freeze.

Rangelands: Rangelands on the former Bennett Freeze have suffered from the same chronic imposed neglect and investment deficits as have other natural resources. Again, the primary federal programs available for rangeland improvements are those of the SCS and ASCS — and again the availability of conservation benefits was reduced nearly to zero due to the Bennett Freeze. Requests from local livestock owners for assistance with watering facilities, fencing, rangeland brush control and reseeding — all have routinely been denied due to the Freeze.

The Division of Natural Resources notes that the Freeze has had a paralyzing effect not merely on physical developments, but also on the frame of mind of many federal agency officials. For example, the Bureau of Indian Affairs felt that the existence of the Freeze was reason enough to suspend all soil and range inventory work in the affected Chapters — thereby denying the communities even the natural resources information they could have used to plan and prepare for the eventual lifting of the Freeze. Currently the entire former Freeze area is critically short of primary natural resources data essential for adequate planning of any new developments.

Farmlands: Prior to 1960, nearly two thousand (2,000) acres of farmland were developed for irrigation in the former Bennett Freeze area, including the Tuba City Kerley Valley, Van Zee, Moenave, and Pasture Canyon projects; and the Lower Moencopi project. Many of these irrigation systems have been severely damaged during the past forty years due to flooding, sedimentation and lack of adequate investments into soil and water conserving repairs and improvements such as land leveling, concrete ditch lining, and rehabilitated diversion and turn-out structures.

While in other regions of the Navajo Nation there has been progress made in recent years to improve and upgrade irrigation systems, such progress has been completely blocked in the former Freeze area. As one result, many Navajo families can no longer depend on producing staple crops to meet a significant portion of their nutritional, income and cultural needs.

Cultural & Historic Resources: A significant effect of the Bennett Freeze has been the complete absence of any surveys of cultural and historic resources in the region. In essence, our current knowledge and inventory of cultural and historic resources in the Bennett Freeze area goes back to work done fifty years ago or more. As a result, with the new commitment to catch up on the backlog of projects needed in the former Bennett Freeze, it is absolutely imperative that sufficient funds be allocated to required cultural surveys and clearances, to avoid unnecessary delays in long-overdue project implementation.

Wildlife: The same observation is true for threatened and endangered species in the former Bennett Freeze area. Because there have been no projects, there have been no threatened and endangered species surveys or inventories. Therefore, great attention must be paid to include costs of required environmental surveys in the planning and budgeting for all future developments.

Parks & Scenic Areas: Numerous areas within the former Bennett Freeze have long been designated as worthy of protection and management as Navajo Nation Parks or scenic areas. For example, dinosaur tracks and fossil bones in the Tuba City area merit special designation and protection, as do the striking Painted Desert vistas east of Tuba City along Ward Terrace. The Navajo Nation has been unable to afford these unusual resources the protection and management they deserve because of constraints imposed by the Bennett Freeze.

SUMMARY STATEMENT OF ROBERT SIMPSON

Senator DECONCINI. Mr. Simpson.

Mr. SIMPSON. Thank you, Mr. Chairman. My name is Robert Simpson—

Senator DECONCINI. Pull the microphone closer to you, please.

Mr. SIMPSON. My name is Robert Simpson. I operate Junction Enterprises, Inc., a business doing business into the former Bennett freeze. My community, Cameron, AZ, has had no business development in 27 years now. The population of Cameron has tripled during this time. Unemployment is chronic at Cameron. Probably 50 percent of the people in Cameron that are willing and able to work have employment. What we need for business development in Cameron is we need tax credits for business that can come in and give us big employment opportunities.

We need SBA assistance to get any business development going. Financing business on the reservation has always been difficult. The land is leased rather than owned. Today with the conservative attitude of bankers, financing without SBA assistance for reservation projects is just about impossible. What we need is development money and tax credits to make things work out here.

Thank you.

Senator DECONCINI. Thank you.

[The statement follows:]

STATEMENT OF ROBERT SIMPSON

My name is Robert Simpson; I am president of Junction Enterprises Inc., a business operating under the former Bennett freeze. My wife Mary and I moved to Cameron in 1966 to work for my parents Willard and Lillian Simpson who had opened a new service station and small grocery under a Navajo Tribal lease. I am here today at the request of this committee to describe the social and economic conditions in the Cameron area over the last 27 years.

In 1966 the Western Navajo reservation was among the poorest and least developed areas in the United States. There were few businesses, job opportunities were very limited and the population was increasing. Less than 10% of the homes had power or water. Traditional means of Navajo existence were undergoing forced change. Dry weather and heavy grazing had wasted much of the land. Synthetic fibers had reduced demand for Navajo wool. Huge reductions in the number of animals allowed to graze had undermined the traditional system of wealth of the Navajo. It was clearly time for change.

Many Navajos were meeting this need to change. Tourism was increasing and the traditional arts and crafts of the Navajo were selling world wide. The Tribal Government was encouraging commerce on the reservation.

It was in this critical changeover time that an act of the Federal Government denied thousands of people the right to utilize their resources to meet the demands of change. In 1966 in response to a law suit filed by the Hopi Tribe, Indian Commissioner Bennett imposed a construction freeze on 1.5 million acres of land in the western half of the Navajo reservation, populated almost entirely by Navajo people. The Bennett Freeze, as this action was named, was given congressional authority in 1968.

A construction freeze does not stop change but it insures that the change will be non productive.. The population growth in the Bennett freeze area continues. Housing for new families has been non existent. Housing that was inadequate for two generations of people to live in now must accommodate three or even four generations of people. With no new commercial enterprises to provide jobs, unemployment is chronic and carries all of the social problems such as alcoholism, domestic violence and juvenile delinquency common to more populous areas.

My community, Cameron, Az. is in the checkerboard area of the freeze. This means that every other section has development restrictions. This does not mean however that development is possible on the unaffected sections. Unaffected sections were isolated by the freeze sections so that water and power couldn't be distributed. The people of Cameron have had no new businesses opened in the area in 27 years. I would guess that the population has tripled in this time. Unemployment in Cameron exceeds 50% of qualified and willing workers. Cameron's young families have been forced to choose between a welfare check or leaving the community, between their families and friends or poverty.

I have seen the frustration of people trying to secure housing for their families in a process of forms and hearings that went on year after year with no resolution. I have seen the bright and energetic children of our community leave to find employment when their talents and energy are so badly needed to make the community function. I have seen parents agonize over whether to send children as young as eight away to boarding school or make them ride school buses for hours each day because the planned elementary school was stopped when its waterline would have to cross the freeze. The Bennett freeze has been very hard on families.

Our business, Junction Enterprises Inc., was started in 1966 with plans to develop a service station, mini mart, motel and restaurant at the East entrance to the Grand Canyon. The service station and mini mart were built before the freeze took effect but the motel and restaurant were stopped by the freeze. In the following years the local population grew rapidly and tourism increased. Business

revenues have increased ten fold from 1968 to 1992. We have been unable to improve or expand our original facilities and this has been a miserable way to do business. We are unable to meet the needs of our customers or the employment needs of the community because of the development freeze. When a business is profitable but unable to reinvest the profits it seems as though we are working mainly for the tax man.

My Father who started the business and worked for years to get the financing together for the motel and restaurant saw it slip away as years passed without the freeze lifting. If development had been allowed this business would currently be doing at least \$10 million annually and have 60 employees instead of the 16 that we now have. The freeze has cost my family millions and the community of Cameron many millions in lost employment opportunities.

The lifting of the freeze in 1992 has provided the people of the Western Navajo Reservation with the first ray of hope that we have seen in years. But the enormity of the problems which we now face requires the Congress of the United States take action to remedy the effects of 27 years of stifled development. Housing and the infrastructure such as water, sewer, schools, medical clinics and roads to support housing and business are critical needs which must be addressed by the Government. The people of the Bennett freeze have lived so long in a world where plans were frustrated and aspirations seldom met that work should be done to counter motivational problems. Counseling and workshops in the affected communities to stress the possibilities of small business, cottage industry etc.. would be beneficial.. Too many young people of this area have become disillusioned and dropped out of school. G.E.D. assistance and job training are needed for these people who have never had an employment opportunity. Equally important is the encouragement of business development to provide employment. Companies that offer large employment possibilities should be encouraged to come to this area with tax credits and development assistance.

Financing a business on the reservation has always been difficult because of the fact that all building is done on leased rather than owned land. At this time when bankers have become so conservative, small businessmen find it is almost impossible to get bank financing on reservation projects. The only way that the needed business development will occur within a reasonable time frame will be with some Government aid in obtaining development loans. The Small Business Administration needs to prioritize development within the Bennett freeze area.. I don't believe that this will result in expense for the taxpayer as the need for goods and services in the Bennett freeze area is so great that few will fail. My company, Junction Enterprises Inc., has developed plans to complete the development of our business site. We have excellent credit, a long successful business record on the site and considerable financial resources yet the banks that we have contacted so far have not been encouraging. If I am having difficulty getting my project financed you can see the need for SBA assistance for local residents attempting a business project.

LETTER FROM CALIBER BANK, PHOENIX, AZ

July 7, 1993

Junction Enterprises, Inc.
 ATTN: Mr. & Mrs. Robert Simpson
 Box 389
 Cameron, AZ 86020

RE: Financing Request

Dear Mr. & Mrs. Simpson,

Because of the long term nature of your financing request for the expansion and additional development of your facility in Cameron, we would be unwilling to consider such financing unless it was in conjunction with the SBA 504 Guaranty Loan Program or other governmental agency guaranty financing program. If you would like us to pursue the SBA possibility, we would be glad to do so upon your concurrence. Additionally, we have concerns with our apparent inability to collateralize the loan with a lien on the property. If you have suggestions concerning this issue, please advise us.

We appreciate the financing opportunity afforded us and ask that you call at 730-3275 if you have any questions regarding this matter.

Sincerely,



Philip K. Balamenti
 Commercial Loans

SUMMARY STATEMENT OF LOUISE YELLOWMAN

Senator DECONCINI. Ms. Yellowman.

Ms. YELLOWMAN. Senator DeConcini, June Tracey, Sue Masica, and also other guests that are here, the Navajo Tribe, the Hopi Tribe councilmen, and many BIA employees and all our people of this land dispute or Bennett freeze area, I am Louise Yellowman. I am very happy to be here. I want to welcome our Senator. Every time someone comes from Washington there is always a light. We know there is hope.

I became aware of this Bennett freeze 1966. I work at the Gap Chapter, I was elected secretary right about 1969 and we went through many hardships. I only can see people struggling. It is in their face, it is in their disappointment. And I had some resolutions which, Senator, if there is any, proves, I think, just to show some of these resolutions back in the 1970's on.

I will just read the headings, the requests that we have made. Later I got elected to the board of supervisors, Coconino County Board of Supervisors. I thought I could be a help to solve some of these problems. But no, because of the Bennett freeze there is very little I can do, but only get criticized from my own elected officials

or from my own people. It is hard to be a leader. I know a lot of our elected officials took a lot of hardship from this.

But all we could do is work hard and pray and hope that somebody the two tribes would come together and work together, and that Congress and Washington, DC, could understand. and I think that is finally happening. There is a hope by working together. And I would like to thank all these people who have been involved solving the Bennett freeze. I know there were many many people. Our former chairman Peter McDonald, Mr. Zah, and then councilmen and 35,000 people in the Western Agency have been effective from a baby, a birth, all the way up to elderly.

And we just never really developed anything. It is no wonder that our children have left—many of them have left. And being a teacher at the Gap, I have seen many many children, grandchildren, in the same one-room home. But they are falling apart and maybe 17 people in one room in some places. And just to think that our children are losing their pride, what is their hope, on the reservation. And it is sad to see that.

And Mr. Abe mentioned that in 1972 we started writing and requesting for a school at Gap and Cameron. Finally we got it right next to the chapter. We could not build it anywhere else. And we have a trailer sitting there educating these children. And this led up a little bit, but the pond was right next to us and they could not move it because of this Bennett freeze, and they are about to close our school there.

And then the water shortage. I know Mr. Morez has talked about it. If you go down in the whole western part of this reservation, you see livestock, you see sheep, goats, cows, horses waiting for the water. It is very sad to see that. What can you do but turn around and try to get some help. You never know; sometimes you do not get any help. But a lot of those livestock die. I heard today there are some—sometimes Mother Nature does not provide rain until later in September, and our August, and that is a hardship right there.

And here are some of the resolutions that we proposed a long time ago. And we have been asking the Secretary of the Interior, different ones, to come out to visit the reservation, to visit the Bennett freeze. Here is one that we have written to Stanley K. Hatahway to visit the Navajo Reservation so he can more fully understand the land dispute situation and the life the freeze placed on the major development in the Navajo boundary bill area of 1934.

Senator DECONCINI. Ms. Yellowman, we will be glad to put all of those in the record if you will submit them for us.

Ms. YELLOWMAN. OK.

[The resolutions follow:]

PROPOSED RESOLUTION OF THE
TUBA CITY AGENCY COUNCIL

SUBJECT: Requesting the new Secretary of Interior, Stanley K. Hatahway, to visit the Navajo Reservation so he can more fully understand the land dispute situation, and lift the freeze placed on major developments in the Navajo Boundary Bill area of 1934.

- WHEREAS: (1) Before the modern settlement, the Navajos occupied this portion of the Southwest, and in 1934 the state and federal governments declared the Navajo Boundary Bill Act giving the Navajos complete right and use of the land; and
- (2) The Navajos historically depended on livestock grazing and grazing of the land for their livelihood, but in recent times the Navajo Tribe has begun to develop the lands for other uses such as housing and pasture for grazing. They accepted educational facilities and water development (distribution and sewer system), and permitted portions of land for business and employment development industry; and
- (3) The Secretary of Interior (Harrison Loesch), in 1968, made an administrative decision wherein he placed a freeze on all major improvements and developments in the area known as the Navajo Boundary Bill area of 1934, the reason being that the Hopi Tribe may have an undetermined interest in the area. It is desirable that the new Secretary of Interior either limit the humanitarian programs such as public financed housing, P.L. 86-126 projects (water development, distribution and sewer treatment), construction of educational and other public facilities, roads and bridges, land use development, such as small irrigated farms and land management units, etc.

NOW, THEREFORE, BE IT RESOLVED THAT:

- (1) The Tuba City Agency Council humbly requests the new Secretary of Interior, Stanley K. Hatahway, to do any and all things necessary to study, understand and lift part or all of the freeze placed on the Navajo
- (2) The Tuba City Agency Council furthermore request the Navajo Health Authority, Health, Education & Welfare Committee of the Navajo Tribe, Budget & Finance Committee, the Advisory Committee of the Navajo Tribal Council and the Tuba City Health Board to support and use their influence to implement the request contained in this resolution.

C E R T I F I C A T I O N

MOTION: (1) _____
(2) _____

RESULTS OF VOTE: FOR 4 OPPOSED 0

Proposed Resolution of the
Tuba City Agency Council

Subject: Expressing appreciation to certain individuals who successfully helped the Navajo Tribe to influence the Congressional decision to refer the land dispute matter back to the two tribes for a negotiation rather than partitioning of Executive Order of 1882 Area.

Whereas:

1. The Tuba City Agency Council represents eighteen recognized Navajo communities, five grazing district areas and a population of more than thirty-five thousands (35,000) people who reside on the Western portion of the Navajo Reservation, and
2. The Navajo land is rapidly decreasing through such recent acts as, the Grand Canyon Enlargement Act, Waputki National Forest, and Kaibab National Park Service establishments; and additional land shrinkage is expected from the U. S. District Court Ruling on the 1882 Executive Order Area and result of litigation on the Navajo Boundary Act Area of 1934, and
3. The Navajo people with their elected official are happy and feel fortunate to have public officials, Senators, Congressmen, news and public information producers, law firms, etc., who are ready to act with justice and dignity in behalf of real human people and their cause, and
4. It is very much desirable to express a sincere appreciation to as many people as possible who have helped to successfully block the Owen's Bill in its original form, instead it was furthermore amended to have it returned to the two tribes - Navajo and Hopi - for a negotiation and settlement as much as possible at the local level.

Now, therefore be it resolved that:

1. The Tuba City Agency Council hereby expresses its deepest appreciation to the following individuals for their special personal and organizational assistance to influence acceptable amendments to what was Owen's Bill:
 1. Peter MacDonald and Wilson Skeet
 2. Brown, Vlassis and Bain
 3. Maurer, Fleisher, Zon, Anderson and Associates
 4. Members of the Navajo-Hopi Land Dispute Commission
 5. Senators - Joseph Montoya, James Abourezk, Pete Domenici,
Henry M. Jackson, Edward Kennedy, Mathias, Tunney
 6. Congressmen - Manuel Lujan and Harold Runnels
 7. Other able people, Joe Miller, Jay Edwards, Richard Schifter,
and Al Barkan, and
2. Tuba City Agency Council further directs its officers to make copies of this resolution for distribution to appropriate personnel for information and support.

PROPOSED RESOLUTION OF THE TUBA CITY AGENCY COUNCIL

SUBJECT: Requesting assistance of the Coconino County Board of Supervisors to assume maintenance of certain roads on the Navajo Reservation presently maintained by Branch of Roads, Bureau of Indian Affairs.

WHEREAS:

1. The Tuba City Agency Road Committee, Districts and Agency Council have by resolutions requested that Coconino County improve certain community bus routes on the Navajo Reservation, however, the county officials stated they would maintain only already improved roads, and
2. The Branch of Roads, Tuba City Agency, Bureau of Indian Affairs, is willing to turn over to the Coconino County certain improved systems for the county maintenance.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Tuba City Agency Council hereby requests the Coconino County Board of Supervisors to take over maintenance on certain improved road systems on the Navajo Reservation, the Branch of Roads, Tuba City Agency is willing to turn over to the county for maintenance purposes certain roads that are now maintained by Bureau of Indian Affairs, and
2. The Tuba City Agency Council furthermore desires the Agency Roads Committee, Branch of Roads, Tuba City Agency and Coconino County Branch of Roads to coordinate their activities to implement the intent of this resolution and to submit a report of the same at future council meetings.

PROPOSED RESOLUTION OF THE TUBA CITY AGENCY COUNCIL

SUBJECT: Supporting the District Three Council on its request to the Division of Facilities Engineering (BIA) to expedite negotiations for the replacement of old and dilapidated Tuba City Boarding School facilities, Tuba City, Arizona.

WHEREAS:

- (1) The Tuba City Agency Council consists of 18 chapters/communities and its councils act in the best interest of the local communities and resort to available resources to bring solutions to the needs and problems, and
- (2) The Tuba City Boarding School presently enrolls 1,000 students and certain of the facilities identified as TC-3, TC-5, TC-6 and TC-10 have been determined unsuitable for student occupancy, and

(3) An engineering study team of the Area BIA Plant Management conducted a survey and safety inspection of these facilities and the recommendations thereof is to seek separate funding sources to accomplish either a replacement of the structures or a moderization program for some or all of the dormitories "be programmed, and it is preferable in a long range view that a replacement program would be in order.

NOW, THEREFORE BE IT RESOLVED THAT:

(1) The Tuba City Agency Council hereby supports the request of the District Three Council on their request to the Division of Facilities Engineering (BIA) to expedite negotiations for architect-engineer services for the replacement and moderization of certain dormitory facilities at the Tuba City Boarding School, and

(2) The Tuba City Agency Council further requests assistance of the Education Committee of the Navajo Tribal Council, Director of the Division of Navajo Education, the Navajo Area School Board Association, the Area Director (BIA), the Chairman of the Navajo Tribal Council and Arizona Congressional Delegation for their support for funding the architect-engineer services and construction funds for the new dormitories and related facilities at the Tuba City Boarding School.

PROPOSED RESOLUTION OF THE
DISTRICT THREE COUNCIL
TUBA CITY, ARIZONA

Subject: Supporting a proposal to release the present U.S.P.H.S. hospital facilities, including all equipment for Tuba City community to establish a Health Care Center for its handicapped citizens.

WHEREAS:

1. The District Three Council is recognized by the Navajo Tribal Council and its elected officers and councilman to act in the best interest of the Navajo people in this community and its surrounding communities in the Tuba City Agency, and
2. There is a need for a well equipped facility to accomodate and care for all the aged, disabled Navajo citizens, the handicapped, the mentally deficient, those in need of rehabilitation, and
3. These citizens who need such care have been deprived of their security

and separated from close ties with their culture by being placed in institutions distances away from their home locations.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The District Three Council lends its support to the proposal which proposes to establish a health care facility in the buildings which the U.S.P.H.S. now occupies, and which it will vacate in the near future, and
2. The District Three Council further requests the United States Public Health Service located at Tuba City, Arizona, to give serious consideration to extend this much needed service to augment available health services through proper arrangements with authorized officials with authorized officials.
3. Lastly, the District Three Council instructs its elected officers to pursue this matter by presenting it to the Tuba City Agency Council meeting for discussion, support and recommendations, and reporting its outcome at future District Three Council meetings.

PROPOSED RESOLUTION OF THE
TUBA CITY AGENCY COUNCIL

SUBJECT: Requesting the Navajo Tribe for necessary financial and technical assistance to design a plan so water can be obtained from Lake Powell for the Cedar Ridge, Gap, Bodaway and Lower Colorado Basin communities.

WHEREAS: (1) Geological studies and other surveys indicate that water cannot be drilled nor can a large earthen dam hold water, because of the geological formation in the western portion of the Navajo Reservation along the San Juan and Lower Colorado Basin; and

(2) Every year the communities of Cedar Ridge, Gap, Coppermine, Tuba City, Bodaway, Cameron, and the Lower Colorado Basin experience drought and the Navajo Tribe expends a large sum of money for water hauling programs; and

(3) It is desirable to bring water from where it is available by means of pipeline into the communities that need water.

NOW, THEREFORE, BE IT RESOLVED THAT:

(1) The Tuba City Agency Council hereby request the assistance of the Budget & Finance Committee, Resource Committee, Advisory Committee, other pertinent committees of the Navajo Tribal Council, the Chairman's office, the Area Bureau of Indian Affairs, and the Area Indian Health Services for their combined efforts and financial resources to explore the possibility of obtaining a sufficient amount of water from Lake Powell, for the purpose of piping water southward to Cedar Ridge, Gap, Tuba City, Bodaway, the Lower Colorado Basin and Cameron communities for domestic, livestock and irrigation purposes.

RESOLUTION OF
TUBA CITY AGENCY COUNCIL
THE NAVAJO TRIBE OF INDIANS

SUBJECT: REQUESTING A REZONING OF THE PAGE PUBLIC SCHOOL DISTRICT TO INCLUDE GAP/BODAWAY CHAPTER BOUNDARY IN TO THE TUBA CITY PUBLIC SCHOOL DISTRICT

WHEREAS:

1. The Bodaway Chapter is certified by the Navaho Tribal Councilman, and school board members to act in the best interest of the community, and

2. In June 22, 1974 District three (3) Council Tuba City Agency met at Coalmine Chapter discussed and considered the question and voted 24 for and none opposing. That a Public Elementary school is needed in Cedar Ridge Community with in the Bodaway Chapter, and

3. On August 28, 1974, the Bodaway Chapter discussed and distances to the schools and the need to have smaller children attend local schools; The Page Public School District needs to be removed at standard paralled nine (9) last of Gap and north, following the rock mountain to Marble Canyon

Now, therefore be it resolved that:

1. The Bodaway Chapter hereby requests the Page Public School Board and Coconino County School Superintendent for a special school election for the purpose of re-zoning the Page School district to include Bodaway Chapter Boundary to Marble Canyon under the Tuba City Public School District, and

2. The Bodaway Chapter further requests the a Public Elementary School be constructed at Cedar Ridge to eliminate or reduce long distance travel to school for smaller children, and

3. Finally, the Bodaway Chapter requests its security and send a copy of this resolution to the Agency office, to an concern individuals, organizations and schools.

RESOLUTION OF THE BODAWAY CHAPTER
WESTERN NAVAJO AGENCY

SUBJECT: Requesting fundings of the U.S. Department of Housing, Urban and Community Developments for needed improvements in the Bodaway Chapter/Community.

WHEREAS:

1. The Bodaway Chapter consists of a large community where 1,175 Navajo Tribe of Indians are residing. The people depending on land use for grazing of livestock and farming is practically null. The people must depend on scarce job opportunities in nearby towns, schools, hospitals, etc.; however, there is a real opportunity for planned community improvement and development if resources were available as described:
 - (1) Development of domestic water with distribution to homes, mutual help housing and school sites with sanitation and sewer treatments,
 - (2) Electric power lines are needed to be extended to existing homes, pre-schools or kindergartens, businesses, proposed mutual help housing and school sites,
 - (3) Telephone lines are need to be extended into the community, pre-school houses, community chapter - a meeting hall for communication with various agencies, organizations, programs, services which are in distant locations unlike the communities in the off-reservation areas,
 - (4) Local Businesses - gas station, co-op type store for the community Arts and Craft store for the local people to sell their crafts, which the people in the community that do rug weavings, silverwork, sandpainting, wood carving etc., would benefit them,
 - (5) The community of Bodaway needs recreational areas; a place for recreations for sports, entertainment, for indoors and outdoors,
 - (6) Clinic can be built with emergency facilities with a resident doctor and nurses to attend to the local people of Bodaway,
 - (7) Police Station with resident policemen to be called to immediate attention of correcting upstructions of justice,
 - (8) Improve Roads - paved our dirt surface roads for everyday use by the schools, BIA, PHS, ONEO, and Navajo Tribe, and the public who are doing business in the community.

NOW, THEREFORE BE IT RESOLVED THAT:

Bodaway Chapter hereby requests all the above mentioned need in this area and the people of Bodaway Chapter are looking forward to these improvements.

C E R T I F I C A T I O N

I HEREBY CERTIFY THAT THE FOREGOING RESOLUTION was duly considered and moved for adoption by Harry Sloan, Sr. and seconded by Ruby Bigman thoroughly discussed and adopted by a vote of 52 in favor and 0 opposing, at a regular scheduled meeting of the Bodaway Chapter meeting held at Bodaway Chapterhouse on May 5, 1975.

RESOLUTION OF THE TUBA CITY AGENCY COUNCIL

Requesting a Feasibility Study, Engineering and Construction of a Large Water Pipeline System.

WHEREAS:

1. Unnecessary hardships are suffered by people living in the Tuba City Agency because of the severe water shortage problems which exist there, and

2. Presently thousands of dollars are spent each year on water hauling programs which could be eliminated if a constant water supply was provided, and

3. Significant community development and business enterprises will require sufficient water sources in order to insure their continuing success, and

4. The solution to this problem will require serious long-range planning instead of the stop-gap measures which have been proposed in the past.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Tuba City Agency (Western Navajo) strongly recommends and urgently requests the Chairman of the Navajo Tribal Council and such responsible Navajo Tribal Departments to investigate the feasibility of transporting domestic, livestock, industrial and commercial water through an adequate pipeline system from Lee's Ferry (Colorado River) to and through Cedar Ridge, Bodaway-Gap, Shadow Mountain, Cameron, Gray Mountain, Needmore, Blackfall, No Water Mesa, Tolani Lake, Leupp and Birdsprings for the ever-present water shortage in the Western Navajo area.

2. The Tuba City Agency (Western Navajo) further urges that the Navajo Tribe coordinate its activities for such project with Bureau of Indian Affairs, Public Health Service, and such appropriate state and federal agencies to fund such construction to alleviate this critical water shortage.

PROPOSED RESOLUTION OF THE
TUBA CITY AGENCY COUNCIL

SUBJECT: Requesting assistance of the Navajo Aviation Authority and the Office of Program Development of the Navajo Tribe for the paving and lighting of the Tuba City Airstrip.

WHEREAS: (1) The Tuba City Chapter passed a resolution on June 23, 1974 approving the need to have the local airstrip paved and lighted for use by the New Public Health Services Hospital, public and bureau schools, tribal organizations, etc.; and

(2) The Tuba City Airstrip is 4/5 of a mile long and 200 feet wide. It is a dirt airstrip, constantly maintained by the local BIA Branch of Roads, and is not fenced; and

(3) The airstrip is heavily used to transport patients to the new Public Health Services Hospital in Tuba City from such communities as Page, Kaibeto, Kayenta, Cameron and the Joint Use Area. Patients are also frequently flown from Tuba City to other larger hospital facilities such as Gallup and Albuquerque, New Mexico and Phoenix, Arizona for specialized treatment and further emergency needs; and

(4) It is very desirable that all necessary resources be coordinated by the newly created Navajo Aviation Authority for the planning, funding and accomplishing of a paved, lighted and well maintained airstrip for use by the local hospital, educational programs, Navajo Tribal departments, BIA and PHS Administration, all of which relate to the delivery of services and benefits the Navajo people in the Western Navajo Agency.

NOW, THEREFORE, BE IT RESOLVED THAT:

(1) The Tuba City Agency Council hereby request special assistance of the Navajo Aviation Authority and the Office of Program Development of the Navajo Tribe, to do any and all things necessary to have the Tuba City Airstrip paved, lighted and fenced for the benefit of the new Indian Health Services hospital. The hospital frequently flies patients to other hospital on a daily basis as well as receiving patients from other areas by air; and

(2) The Tuba City Agency Council furthermore requests the Chairman's Office, the Economic Development and Planning Committee, the Health, Alcoholism and Welfare Committee and the Transportation and Roads Committee, for their active support and involvement in carrying out the request of this resolution.

RESOLUTION OF THE
TUBA CITY AGENCY COUNCIL

Requesting the BIA and other Agencies for
Assistance in obtaining Drilling equipment for
development of wells in areas affected by drought.

WHEREAS:

1. Tuba City Agency Council meeting on August 21, 1974, discussed very important matter of water shortage in Tuba City Agency, and

2. There are areas where water shortage is becoming very acute if it doesn't rain soon, and

3. We are now appealing for assistance from the Bureau of Indian Affairs, Public Health Service and the Navajo Tribe, and

4. If at all possible, two drilling rigs with adequate equipment to assist in drilling enough wells in the drought areas be furnished by BIA, perhaps with the assistance of the PHS.

NOW THEREFORE BE IT RESOLVED THAT:

1. The BIA acquire two drilling rigs with proper equipment to drill enough wells in Tuba City Agency to alleviate drought areas.

2. In addition to this, would provide enough funds to expedite this program.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Tuba City Agency Council at a duly called meeting at Tuba City, Arizona, at which a quorum was present and that same was passed by a vote of 38 in favor and 0 opposed, this 31st day of August, 1974.

Louise J. ...
Council

**PROPOSED RESOLUTION OF THE
TUBA CITY AGENCY COUNCIL**

SUBJECT: Recommending use of savings from road construction to be used to improve and grade Navajo Route 15 (Leupp bridge eastward to District 5 boundary line).

WHEREAS: (1) The Tuba City Agency has established road priorities including N15 (the road from Leupp bridge eastward to the District 5 boundary line), which is listed as number 7 on the priority list for the agency; and

(2) The Arizona Department of Transportation has expressed their support by using the Off Federal Aid System funds to construct a new bridge at Leupp, and there is a possibility that the Bureau funds which was intended for the Leupp bridge in fiscal year 1977 might be used elsewhere; and

(3) It is desirable that any savings of the Bureau construction funds, after the Leupp is completed, be used to improve and pave N15; the paving of Route 9 will connect with the proposed paving of the roads from the District 5 boundary line eastward to Indian Wells and Lower Greasewood.

NOW, THEREFORE, BE IT RESOLVED THAT:

(1) The Tuba City Agency Council recommends to the Tuba City Agency Roads Committee, Transportation and Roads Committee of the Navajo Tribal Council, and the Area Branch of Roads of the Bureau of Indian Affairs that any savings of the Bureau's program funds for construction of the bridge at Leupp, Arizona be reprogrammed to improve and pave Navajo Route 15.

No. 48

PROPOSED RESOLUTION OF THE TUBA CITY AGENCY COUNCIL

SUBJECT: Requesting the Budget and Finance and Resource Advisory Committees, and the Navajo Tribal Council to appropriate \$1,000,000 as additional capital for land acquisition in the western portion of the Tuba City Agency Area.

WHEREAS:

1. The Tuba City Agency consists of 18 chapters/communities, five grazing districts and over 25,000 Navajo members, in addition to 10,000 non-Navajo members living in this area,
2. The Navajo families are steadily being pushed westward until they are forced to live in a crowded condition in places that are ill suited for gaining a bare subsistence, and the land area formerly used by the Navajo people is rapidly decreasing through recent changes e.g., the Grand Canyon Enlargement Act, Kaibab National Forest and Waputki National Park development, U.S. District Court Order to relinquish part of the Executive Order area of 1882 and recent suit filed by the Hopi Tribe for their claim in the Navajo Boundary Bill Area of 1934, and,
3. It is desirable to request expenditure of the Navajo Tribal capital or other resources for the acquisition of lands available for sale; these lands are in general area of the western boundary of the Tuba City Agency.

RESOLVED:

1. The Tuba City Agency Council hereby requests the Budget and Finance, Resources and Advisory Committees and members of the Navajo Tribal Council to appropriate capital funds for the purpose of exploration of available ranches, Bureau of Land Management lands for sale outside the Tuba City Agency boundary area.

Proposed Resolution of the
Tuba City Agency Council

No. 27

Subject: Recommending to the Navajo Tribal Council and its Committees to appropriate one million dollars for the exploration of and acquisition of certain lands for sale around Tuba City Agency.

Whereas:

1. The Tuba City Agency includes eighteen chapters, five grazing districts and over twenty-five thousand Navajo people in addition to ten thousand non-Indians, and
2. The land area formerly used by the Navajo people is rapidly decreasing through recent changes, e.g. the Grand Canyon Enlargement Act, Kaibab National Forest and Wapitki National Park developments; U. S. District Court order to relinquish part of the Executive Order of the year 1882 and the recent suit filed by the Hopi Tribe to obtain their undetermined interest in the Navajo Boundary Act of 1934, and
3. The Navajo families who lived in the areas mentioned in paragraph two above, are steadily pushed eastward until they are forced to live in very crowded conditions in places that are ill-suited for gaining a bare subsistence, and
4. It is desirable to request expenditure of the Navajo Tribal capital or other resources for the requisition of more lands for pasture, farming or resettling of the people who must relocate.

Now, therefore be it resolved that:

1. The Tuba City Agency Council hereby recommends to Chairman of the Navajo Tribal Council, Resources and Budget and Finance and Advisory Committees of the Navajo Tribal Council and members of the Navajo Tribal Council to appropriate one million dollars (\$1,000,000) for the purchase and acquisition of certain lands for sale around and adjacent to the Western Navajo Agency, and
2. The Tuba City Agency Council further requests professional assistance of the Land Administration staff, Window Rock, Arizona to work closely with the Tuba City Agency Council and BIA on matters relating to land, etc., and
3. The Tuba City Agency Council finally directs its eighteen tribal councilmen to give their support and follow-up on the request contained in this resolution and to make a report of the same at the next scheduled Agency Council meeting.

PROPOSED RESOLUTION OF THE TUBA CITY AGENCY COUNCIL

SUBJECT: Supporting the Tuba City Agency Road Committee in its request to the Area Bureau of Indian Affairs and Arizona state for funding for construction of a bridge across the Little Colorado River at Leupp, Arizona.

WHEREAS:

- (1) Each year the Bureau of Indian Affairs allocates funding for road construction and improvements throughout the Navajo Reservation and an item of a very critical nature is the condition of the bridge across the Little Colorado River at Leupp, Arizona, and
- (2) In 1971 this structure was posted for a gross weight of four (4) tons and subsequently the same year it was increased to seven (7) tons when certain improvements were made on the deck in the superstructure, this restriction remained in effect until March 20, 1975, when it again was limited to two (2) tons, and
- (3) The subject bridge, which provides access across the Little Colorado River, is over 50 years old and recently received an evaluation by J.T. Banner and Associates, Inc., of Laramie, Wyoming and Brookings, South Dakota. This evaluation was under contract with the Bureau of Indian Affairs as the evaluation is required every five (5) years by the National Federal Highway Act, as a result of the recent evaluation, the load limit was reduced to two (2) tons and this has caused a great deal of inconvenience to local BIA and public schools and tribal businesses, and
- (4) Limited funds are allocated among the different agencies and further appropriated pursuant to priorities established by each agency and Area Transportation and Roads Committee of the Navajo Tribal Council in Window Rock, Arizona, replacement cost of the present Leupp bridge is estimated at \$840,000, and
- (5) There is a congressional authorization with amendments for Highway Trust Fund to be used for Off Federal Aid System which provides for construction of roads and bridges; and
- (6) It is desirable to have the Arizona State Highway Department and its Coconino County to take active part in getting financial aid for the needed bridge crossing the Little Colorado River at Leupp, Arizona.

NOW, THEREFORE BE IT RESOLVED THAT:

- (1) The Tuba City Agency Council hereby supports the Agency Roads Committee in its urgent request to the Area Branch of Roads, Bureau of Indian Affairs, Arizona State Highway Department and its county to locate funding available to the state from the Highway Trust Fund for Off Federal Aid System, which provides for construction of roads and bridges on Indian Reservations, the identified funds will be used to build a new bridge crossing the Little Colorado River at Leupp, Arizona, and
- (2) The Tuba City Agency Council further requests necessary assistance of the state and county officials as well as tribal representatives to follow-up on this resolution for the purpose of carrying out the intent in the best interest of the general public in the Leupp area.

PROPOSED RESOLUTION OF THE
TUBA CITY AGENCY COUNCIL

SUBJECT: Requesting necessary assistance from Coconino, Navajo and Apache counties (Arizona) for a new bridge, which crosses the Little Colorado River, to be constructed at Leupp, Arizona.

- WHEREAS:** (1) The Leupp bridge, which crosses the Little Colorado River at Leupp, Arizona, was built nearly 50 years ago; it is a single span, over 300 feet long and was recently determined to limit the carrying capacity to two tons; and
- (2) The Bureau of Indian Affairs appropriates certain portions of its allocations for road construction, bridge construction and road maintenance. These funds are, by far, insufficient to take care of the backlog of road needs on the Navajo Reservation; and
- (3) Congress recently authorized and distributed funds to the states for Off Federal Aid Systems for the purpose of constructing and improving roads on Indian reservations. There is a general consensus of all groups, schools, counties, etc. that the Off Federal Aid Systems monies should be used to construct a new bridge which crosses the Little Colorado River at Leupp.

NOW, THEREFORE, BE IT RESOLVED THAT:

- (1) The Tuba City Agency Council hereby requests the cooperation and assistance of Coconino County, Navajo County, Apache County, the Arizona State Department of Transportation, and the Federal Highway Administration to pool the necessary county and state resources and assistance for the construction of a completely new bridge across the Little Colorado River at Leupp, Arizona; and
- (2) The Tuba City Agency Council further request the support of all concerned (congressional delegates, state elected officials, pertinent road committees, etc.) for the support and completion of the Leupp bridge.

PROPOSED RESOLUTION OF THE
TUBA CITY AGENCY COUNCIL

SUBJECT: Directing the Tuba City Agency, Bureau of Indian Affairs to compile and draft the Western Navajo Agency development plans.

- WHEREAS:** (1) The Tuba City Agency, Bureau of Indian Affairs encompasses an area of over 600,000 acres, a population of over 25,000 Navajos (not including over 10,000 non-Navajos), 18 certified Navajo chapterhouses; and
- (2) The Agency is divided into five grazing districts and each district has three or four certified chapters. Each chapter or district has its own unique needs and problems which require short and long range planning in terms of professional feasibility studies and resource development encompassing other government agencies.

states, Economic Development Administration, Navajo Tribe, Bureau of Indian Affairs, etc.

NOW, THEREFORE, BE IT RESOLVED THAT:

(1) The Tuba City Agency Council hereby directs the Tuba City Agency, Bureau of Indian Affairs to compile information, data, resolutions, petitions, etc., for the purpose of drafting a preliminary planning of the overall development of the Tuba City Agency area; and

(2) The Tuba City Agency Council, furthermore, requests that the Tuba City Agency Bureau of Indian Affairs seek fundings and technical assistance to produce a preliminary plan for the purpose of communicating with the people at the chapter level, and to seek local input, which will bring positive results, into the plan; and

(3) The Tuba City Agency Council finally directs that the agency wide development plan include; road systems, domestic and livestock water development, distribution and Sewerage - P.L. 86-121 projects, public financed housing or local Indian housing development, utility system, educational (bureau or public schools) programs, land utilization (small farming and irrigated pastures), recreation facilities, industrial, businesses, general land use plans, etc.

No. 46

PROPOSED RESOLUTION OF THE TUBA CITY AGENCY COUNCIL

SUBJECT: Requesting assistance of the Navajo Tribe, Division of Agriculture and Livestock Department, and Branch of Land Operations, Tuba City Agency, and U.S. Public Health Service to make domestic and livestock water available throughout the Agency.

WHEREAS:

1. It is an established fact that water is scarce and cannot be drilled or collected into large earthen dams due to the nature of geological formations particularly in Districts 5, 3, and 1, and
2. The people are already experiencing water shortage in Bodaway Chapter and it is anticipated that the Navajo Tribe will be asked to appropriate substantial amount of funds for water hauling purposes this summer, and
3. It is very desirable to ask resource agencies, such as Division of Agriculture and Livestock Department, Branch of Land Operations, Bureau of Indian Affairs, and Public Health Service to immediately plan methods and coordinate activities for hauling domestic and livestock water to the communities upon requests.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Tuba City Agency Council requests a special assistance of the Division of Agriculture and Livestock Department, Branch of Land Operations, Tuba City Agency, U.S. Public Health Service to coordinate their activities and resource for the purposes of making domestic and livestock water available in Districts 5, 3 and 1.

PROPOSED RESOLUTION OF THE
TUBA CITY AGENCY COUNCIL

SUBJECT: Requesting the assistance of the Navajo Tribal Resources Division, Water Works Department and the BIA Branch of Land Operations, to develop earthened stock tanks along the Little Colorado River from Birdsprings to Cameron.

WHEREAS: (1) District 5 and District 3 of the Tuba City Agency are continuously experiencing water shortage for livestock along the Little Colorado River from the Birdsprings Chapter via Leupp Chapter, Grand Falls, Black Falls and Cameron; and

(2) The Birdsprings Chapter purchased five water pumps with Revenue Sharing funds, and Cameron Chapter also purchased water pumps for the purpose of pumping water from the wells that are to be developed along the Little Colorado River; and

(3) Technical assistance for the shallow wells and pumping systems, as well as pipelines by gravity flow, need support from all concerned, particularly the Navajo Tribal Water Works Department, the U.S. Public Health Services and the BIA Branch of Land Operations.

NOW, THEREFORE, BE IT RESOLVED THAT:

(1) The Tuba City Agency Council hereby request special assistance of the Navajo Tribal Water Works Department, the U.S. Public Health Services and the BIA Branch of Land Operations, to immediately make a feasibility study for the purpose of drilling shallow wells and securing water into tanks by means of pumps and running pipelines by gravity flow to strategic locations for livestock watering along the Little Colorado River from the Birdsprings Chapterhouse to Cameron community.

NO. TC-JAN-75-37

RESOLUTION OF THE TUBA CITY AGENCY COUNCIL

SUBJECT: Requesting the Assistance of the Bureau of Indian Affairs and the Navajo Tribal Roads Committee for the purpose of Paving Tribal Highways #2 and #24

WHEREAS:

1. Tribal Highways #2 and #24 are presently dirt roads and are in urgent need to be paved, and
2. Highway #2 runs from Sunrise Trading Post (Leupp) to the edge of the 1982 Executive Order Boundary, a distance of approximately 15 miles while Highway #24 is approximately 3 miles long and both highways should be paved for these distances.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Tuba City Agency Council hereby requests the assistance of the Bureau of Indian Affairs and the Navajo Tribal Roads Committee for the purpose of paving Highway #24 and for paving Highway #2 from Sunrise Trading Post (Leupp) north to the edge of the 1882 Executive Order Boundary.

do. TC-Jan-75-31

Resolution of the Tuba City Agency Council

SUBJECT: Supporting District Three Council's request for additional water development to meet emergency water needs.

WHEREAS:

1. District Three area includes Cameron, Rodaway, Tuba City and Coalmine Mesa chapters and this area each year experiences a drought situation and each summer the Navajo Tribe's emergency water hauling program becomes the only source of water to many people and especially livestock owners, and
2. It is desirable for the Navajo Tribal Council to program a special budget for the development of permanent water sources with sufficient water storage tanks, etc. to meet the water needs year around.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Tuba City Agency Council hereby supports the District Three in its request for a special funding for additional water development, water storage improvements and provisions for larger water storage tanks for the people and livestock in District Three, and
2. The Tuba City Agency Council further requests assistance of the Tribal Water Works Department and Branch of Land Operations, BIA, towards implementing the water development plans in District Three.

Ms. YELLOWMAN. And then the water from the Colorado River. I know Mr. Sloan, Harry Sloan, who has really worked hard. He has a dream that someday the valley would be like Chandler or Casa Grande. To think that if we had done this, maybe we could have employed our children. We could have green plants growing out here. And today I see we do not even have jobs for our children.

So those are some of the very hardships that we face. I think the bottom line here today is give us money, put some money for the Navajo Tribe. And even there is a Hopi Tribe on the other side, has also suffered the same thing. So since the two tribes are working together, let us help one another. We are asking the Senators, Senator DeConcini, Senator McCain, and other Senators who have been watching, trying to help. Now you are here. We are asking you if you could send up even billions of dollars so we can start developing these things, so we can catch up with the rest of the world.

Thank you.

Senator DECONCINI. Thank you, Ms. Yellowman.

Just quickly, Mr. Simpson, let me just ask you a quick question. Are you able to get SBA loans?

Mr. SIMPSON. We had not originally started out trying to get an SBA loan for our development. We started going through standard banking procedures. We were notified just in the last few days by our bank that an SBA loan was about the only way we could go. They seem to think the chances of getting it are fairly good.

Senator DECONCINI. And are you applying for an SBA loan?

Mr. SIMPSON. We have just started the application process.

Senator DECONCINI. Thank you.

Mr. Abe, you talk about a process of home-base schooling. Has this method of teaching been provided? Is it an adequate alternative, or is it just the only alternative you have in the situation?

Mr. ABE. Well, currently there is some limited center-base schooling taking place in the Bennett freeze, but there is home-base schooling as a result of overcrowded conditions in the schools that are out there. And as a result of this, a teacher having to go on site to the home to teach a student, it severely limits the amount of education that will take place by the resources available.

Senator DECONCINI. Have you taught other places, Mr. Abe? Have you been in other schools before coming here?

Mr. ABE. Well, I am not—

Senator DECONCINI. No; excuse me. You are on the board. Have you seen other schools outside the Tuba City Unified School area?

Mr. ABE. I have had opportunities to visit other schools on a reservation.

Senator DECONCINI. Yes; what is your analysis or comparison from the standpoint of physical capabilities, structures? I mean, you know, do the schools compare here in the Bennett freeze with those outside?

Mr. ABE. Well, I think by far I have seen the worst facility conditions in the Gap in the primary locations.

Senator DECONCINI. Mr. Barber, you in your statement talk about a lot of projects and there has been a number of projects that have been turned down, the bridge across the Hamblin Wash. Were these turned down by the Navajos, by the Hopi Land, or by the Interior Secretary on appeal? Or can you give me a process of how one of these was turned down, say the Hamblin Wash, if you remember?

Mr. BARBER. If I recall, Senator, any road or bridge construction that is slated with a priority setting is prioritized at the Western Navajo Agency level, along with the local tribal chapters. And then at that point it moves over to the Hopi agency at Keams Canyon to BIA input from Hopi agency as well as the chairman's office, Chairman Masayesva. And then there is a period of negotiations that transpire. And to date, of course, the Hamblin Wash bridge project has not yet been approved by the tribe.

Senator DECONCINI. How long has that been?

Mr. BARBER. In some cases we have had some of these projects in a negotiation process now for a year, some 6 months. I think the Hamblin Wash is a recent project. It is still under negotiation. From our point of view, the Bureau itself does not attempt to appeal these to the Secretary. We leave that to the Navajo Nation.

Senator DECONCINI. What about the Moencopi Wash?

Mr. BARBER. The Moencopi Wash is the same thing with the road project.

Senator DECONCINI. How long has that been pending?

Mr. BARBER. I believe that one was particularly in the early seventies, I believe.

Senator DECONCINI. So it is no longer pending.

Mr. BARBER. Right.

Senator DECONCINI. And was it appealed?

Mr. BARBER. No; it has not yet been appealed, not from the BIA side.

Senator DECONCINI. Yes; but from the Navajo side.

Mr. BARBER. I am not aware of that.

Senator DECONCINI. Not aware of it. And so Hamblin has not actually been turned down by the Hopi Land Office.

Mr. BARBER. Not as I understand it today, no.

Senator DECONCINI. And how about the Moencopi, has it been turned down?

Mr. BARBER. Moencopi, I do not believe so. It is still under negotiation.

Senator DECONCINI. It is still under negotiation since 1972.

Mr. BARBER. Excuse me?

Senator DECONCINI. Did you say from 1972.

Mr. BARBER. Right.

Senator DECONCINI. It is a long negotiation, would you not say.

Mr. BARBER. It has been. And as you well know, this is a 26-year freeze and a 30-year issue.

Senator DECONCINI. When you have that long of a negotiation it is tantamount to a turn down or denial, does it not?

Mr. BARBER. I guess we would assume that it was turned down; yes.

ADDITIONAL PREPARED STATEMENTS AND ARTICLES

Senator DECONCINI. Thank you very much for your testimony. We appreciate all of you being with us today. I want to thank all the witnesses for being here today. Again, the Appropriations Committee in the Senate, the Interior Subcommittee. I have a number of statements here along with letters and what have you that we will include in the record.

[The statements follow:]

STATEMENT OF JOE DAYZIE

Mr. Chairman, thank you for giving me an opportunity to speak today. My name is Joe Dayzie. I am a Council Delegate from the Tonalea Chapter. Tonalea Chapter is located about 22 miles northeast of here.

As a council delegate, I must deal with the effects of the Bennett Freeze constantly. Forty percent of my chapter is within the former freeze area, and my people have suffered irreparable harm from it. Every day I witness the overcrowding and the unsafe living conditions in which my constituents have to live. I do not want to see the young people leaving this area, but without water, electricity, plumbing, and other essential facilities that most people in America take for granted, my people are going to be forced to seek better living conditions elsewhere. This chapter has already had to deal with relocation. A portion of Tonalea is now on the HPL, and another part is on the NPL. When it comes to the issues involved with the so-called "land dispute," we have seen it all, and we are tired of it.

I have worked with and observed the members of Tonalea Chapter. I see their frustration and sense their helplessness. If you worked where I work and could see what I see, you would also understand and identify with their depression and anxieties. We have tried to develop our community, but for the past twenty-seven years

nothing could be done to improve the way of life for my people. It feels like the world has passed us by.

The construction of N-21 which serves as a major communication link between Tonalea and Kaibeto has been delayed repeatedly. For more than twenty years we have struggled to get this one road built, but an extension of about eleven miles of it goes through the former Bennett Freeze area. The Hopis would not consent to this connection. As a result, more damage has been done to the residents of this community.

The poor roads affect the education of the children and the health of all the people. In some weather the roads are impassable and the bus cannot get through to bring the kids to school. At other times the busses have broken down due to the wear and tear of the roads on the vehicle. Vehicles are expensive and the upkeep of the school busses has just been one more hardship that the freeze has forced this community to face. The value of a good education has never been as emphasized as it is in this decade. Our children have been denied the advantage merely because they were born in the wrong place. They have been penalized because they were born on the disputed lands.

Bad roads also make it very difficult and at times maybe impossible for emergency services to get through. Ambulances, fire engines, and police cars have to travel a long way over rough roads to reach many of the people of Tonalea. Now that the freeze has been lifted, what we want, what we need, is to have our own stations. This community needs a fire station that is accessible to all the homes. We need the roads to be repaired or improved so that the emergency vehicles can reach the people quickly and therefore still be effective.

Many people of my chapter are in desperate situations. I have not nearly addressed all of their troubles, but they are similar to those presented by the speakers you heard today. What we are asking for now are improvements we have been trying to make for many years. We need N-21 to be hard surfaced and other roads improved; we need to improve our preschool and enable our children to catch up and continue their educations; we need a fire station within our chapter; and we need to improve the quality of life for our families by alleviating over-crowding and providing necessary utilities and decent housing.

I'm not sure what the persons responsible for the Bennett Freeze were thinking when they made it a law. It seems to me that they just looked at a map and drew some lines. These lines became the "tracks" and forty percent of Tonalea was left on the wrong side. Although this number refers to land, it is important to realize that it has imprisoned people: mothers, fathers, farmers, children, and veterans. I myself am a commander for the American Legion Post 33. Other members of my Post are decorated Vietnam Veterans. Still others from the Bennett Freeze Area were code talkers. These people served the United States Government, but now the government has turned its back on them. We cannot give you VA housing assistance because you live in the Bennett Freeze Area, they say. These veterans have been unable to qualify for any of the assistance they are entitled to because of where they live.

The government's first mistake with respect to this issue has now been corrected. The freeze has been lifted, but the damage has already been done. We were not responsible for the freeze, and I don't want to see my people suffering the consequences any longer. Time cannot be returned, but my above requests will at least partially equip us with what we need to play catch up.

Again, thank you Mr. Chairman for allowing me to speak today and express my concerns about the effects of the former Bennett Freeze.

STATEMENT OF EDWARD LITTLE, TUBA CITY, AZ

To Senator Dennis DeConcini, the approximately 250 thousand Native Americans (Navajos, Hopis, Paiutes), who reside on Navajo Reservations in Arizona, in this country constitute an ethnic minority and they suffer from the same kinds of prejudices and problems facing other minorities, such as Blacks and Hispanics.

This is especially true in the Former Bennett Freeze Area. These Native Americans live very poorly, the poverty, high unemployment, substandard housing, lack of sanitation of drinking water, poor health and because of the Freeze, our American Indians, especially Navajos are excluded from the mainstream of American life.

Sir, Senator DeConcini, for the Navajos living in an isolated Former Bennett Freeze Area, these problems are particularly acute.

It has been estimated that between 60-70 percent of all housing on Former Bennett Freeze Area is substandard; 70 percent of it is beyond repairs. The typical Navajo home, the hogan, consists of one windowless room of log and mud construction

with dirt floor. It has no running, adequate waste disposal, or plumbing of any sort. Navajos often have to haul water several miles, and some of them are forced to draw water from potentially contaminated water.

All of these factors— isolation, poor living conditions, abject poverty, massive unemployment, language barriers, poor Federal administration of 1934 Reservation, are what make the plight of Navajos unique. Senator, we are hungry for help. We did not cause this to happen to us, but it was created by the Former 1934 Decision.

The connection between environmental factors such as poverty and correlates with malnutrition, overcrowding in the hogan, disease, and disability, are all well known.

All of these conditions, because of the Former 1934 Freeze created disability. These factors prevent the Navajo parents from giving their child the special attention he needs. Some of them become disabled. Until overall living conditions are improved on the Former Bennett Freeze, Navajos will continue to develop handicapping conditions at a higher rate than the rest of the population and those afflicted will continue to live the lives of poverty in America, here on the Former Bennett Freeze.

STATEMENT OF RUBIANNE DUGI, ACTING VETERANS SERVICE OFFICER, DEPARTMENT OF NAVAJO VETERANS AFFAIRS

Under the Navajo Nation Government, Department of Navajo Veterans Affairs in the Western Navajo Agency oversees the Western portion of the Navajo Nation, specifically 18 Tribal Chapters, 10 of which is in the Former Bennett Freeze Area. As a service provider to the Navajo Veterans, we have witnessed to the tremendous needs for housings in the Former Bennett Freeze Area. A vast (601 veterans by register) number of veterans reside or have originated from within the Former Bennett Freeze Area who are requesting for housing assistance for new constructions, renovations, additions, and improvements. Due to the Bennett Freeze restrictions, we have been unable to assist them with any housing services.

These Navajo veterans have fought in defense of our country and for the rights to Freedom for America during different war eras and had given their pledge of services during Peacetime eras. Our veterans returned with physical, emotional, and mental scars for their commitments only to face an even greater afflictions as a result of the Bennett Freeze enforcement. Their hardships continues to exist depriving them of a stable, happier, and healthy livelihoods, others have never returned as they had given their lives in defense of their country.

There are 9 Gold Star Mothers as a result of the Vietnam War alone, the number for widows and dependents increases for WW II, Korean Conflict and Vietnam wars. Currently, there remains one World War I veteran also residing in the Tuba City area. The total number of veterans requesting for housing assistance through our office is 155, though this number increases as we receive new daily applicants.

In support of Veterans' voice to be heard by the Federal Government, we present these petitions to: 1) Provide adequate housings for veterans, widows, dependents, and Gold Star Mothers; 2) Infrastructure developments i.e.: access to Sanitary and Electrical services, and Water line extensions to dwellings; 3) Improve Health Care Systems to remedy the physical and mental needs; 4) Recognize the Navajo Veterans years of hardships and endurances that remains silent even today.

STATEMENT OF THE CAMERON CHAPTER AREA

Greetings, Gentlemen of the United States Senate: Since the Bennett Freeze had been instituted in 1966 our people in the Cameron Chapter Area has suffered;

1. By the lack of Housing, Roads, Health, Education and Welfare. Our Standard of living have also gone to zero.

2. Instead of rising with the Standard of Living with the other parts of the Navajo Nation, Our standard of Living depreciated as years went by, so that puts our area behind the rest of the Navajo Nation who is already years behind, by a total of 52 years.

3. Because of the Bennett Freeze and lack of Enforcement we have now a lot of uncontrolled Trash Dumping Sites.

4. Because of the Bennett Freeze and lack of Enforcement we now have over 700 miles of roads, when we should have only 200 miles of improved roads.

5. Because of the Bennett Freeze and Lack of Enforcement we now have acres of Range land over grazed and erosion is out of control. Our livestock have suffered with us during drought.

6. Because of the Bennett Freeze and Lack of Enforcement we now have Peddlers along the Highway trying to do business under undeveloped shelters. When they should beautify buildings and vendor centers.

7. Because of the Bennett Freeze and Lack of Enforcement we now have numerous crimes against people and property.

8. Because of the Bennett Freeze and lack of Enforcement we now have a lot of High School dropouts, teen parents, teenage crimes and deaths.

9. Because of the Bennett Freeze and Lack of Enforcement our Natural Resources are being depleted at a very alarming rate. Our woodlands are being destroyed by other chapters.

10. Because of the Bennett Freeze and Bennett Freeze our people have all of their goals in Life, hopeless, and high unemployment rate, they have been denied Life.

LETTERS, MEMORANDUMS, AND RESOLUTIONS

[CLERK'S NOTE.—This section consists of letters, memorandums, and resolutions concerning the 1934 Navajo Reservation disputed land between the Hopi and Navajo Tribes.]

MEMORANDUM FROM THE NAVAJO-HOPI LAND DISPUTE COMMISSION

To: Chapter Officers, Council Delegates, and Chapter Development Committee Members

From: Roman Bitsuie, Special Assistant/I.P.A. Navajo-Hopi Land Dispute Commission

Subject: May 27, 1982 Public Hearing on the Former Bennett Freeze Area Needs

This memorandum is to invite you to participate in a public hearing scheduled and jointly coordinated by the Navajo-Hopi Land Dispute Commission of the Navajo Tribe and the Western Navajo Agency of the Bureau of Indian Affairs. The hearing will be held at the Tuba City Community Center, Tuba city, Arizona on Thursday, May 27, 1982 starting at 9:00 A.M.

As you are aware, the Congress of the United States enacted Public Law 96-305 ("Navajo and Hopi Indian Relocation Amendments Act of 1980") on July 8, 1980 which imposed a statutory freeze in the former "Bennett Freeze" area. The freeze effects 10 chapters and 1.5 million acres and reaffirms a previous administrative freeze which had been in effect since 1966.

The affected chapters are respectfully requested to provide as much information as possible, i.e., the chapter's physical profile, chapter's demographic profile, need and plans for cultural, social, and economic redevelopment, and recommendations. Your utmost participation to this public hearing is solicited.

STATEMENT OF JAMES PESILAKAI, CAMERON CHAPTER PRESIDENT

Therefore, Gentlemen of the United States Senate: We therefore ask for relief, relief from this ordeal and return to the Harmony of the United States Constitution of Life, Liberty and Pursuit of Happiness, by:

1. Establishing Housing Programs, in the Cameron Community, Grey Mountain Community, and Shadow Mountain Community.

2. Establishing Water Development, Power Lines, Communication lines and Sewer Lines to these proposed Housing Communities.

3. Establishing Rural Housing Development with Solar Energy and Sewer/water.

4. Establishing an Education Program to rehabilitate the people into Self Help and Economic Development.

5. Establishing an Economic Development Program by having the people living in the Bennett Freeze Area operating their own businesses. Not some non-residents who will take advantage of the situation.

6. Establishing Education and Health Facilities, Clinic, Senior Citizen Center, Public Schools, Adult Education Center.

7. Establishing Public Service Centers, Police Department, Telephone Company, Transportation Department, Gas and Electric Companies, Livestock and Range Enforcement Department, etc.

8. Establishing a Natural Resource Management and Enforcement.

9. Establishing a Transportation Program, to develop Rural Roads and County Routes, Airport, and other public transportation program. Our dollar value will go up and we will have more to spend on our home improvements or on the education of our children.

10. Establishing a Tourist Trade Center, to exploit the tourism. We have many Scenic wonders, the Painted Desert, the Grand Canyon, and other scenic wonders, using the Cameron residents not Non-residents who want to take advantage of the situation. Projection is that by the Year 2000, there will be 12 million visitors visiting the Grand Canyon and we need to be there.

11. Establishing a Adult Education Program who will teach Automotive Repair, Farm Equipment Operation Training, Livestock Management, Livestock Marketing Program, Small Business Management and other career oriented programs.

All of these program should utilized the people affected not imported people. In this way the people affected will appreciate the development and their purpose.

A Task Force of people from the affected area must be established to over see the development, not imported people.

Offices should be establish in every affected communities to encourage rehabilitation manned by people from those communities, not imported people.

These are our statements and our pleas to the Gentlemen of the Highest Order. In order for all these human development a Financial Assistance is in order.

STATEMENT OF REED TSO

Senator Deconcini,

I am submitting a presentation that I had prepared for the May 27, 1982 Public Hearing on the Bennett Freeze.

I am doing this because it appears nothing positive ever became of that public hearing.

The report submitted in 1982 concentrated on an area east of the junction of U.S. Highways 160 and 264, where Navajo people had lived prior to the Bennett Freeze.

The people listed in that report have all been forced to move away since the Bennett Freeze was put into effect.

This report is resubmitted for your information and a follow-up letter will follow.

NAVAJOS WITHIN THE HARRISON LOESCH BOUNDARY
HOPI ADMINISTRATIVE ORDER

PEOPLE AND FAMILIES WHO HAVE
INTERESTS WITHIN THE HARRISON-
LOESCH BOUNDARY AND THOSE EFFECTED
BY THE HOPI ADMINISTRATIVE ORDER.

INTRODUCTION

The following report attempts to show the hardships and limitations placed on 9 families that have homes, structures, and interests within the Harrison Loesch Boundary or the so-called Hopi Administrative Order surrounding Moencopi Village.

The first 8 families are all related and is the extended family that has descended from the very first Navajo people that came to the Tuba City area before the Fort Sumner days and before the Hopi arrived at Moencopi.

The people described in this report are grandchildren and great grandchildren of land owners and leaders that has more than spanned the life of Moencopi.

Two such persons were Atsi'iidi (Charley Etticity) who acquired Allotted Land that bears the signature of United States President Theodore Roosevelt and Hastiin Nidaaz (Sam. Begody) who was headman of Western Navajo.

Children of these two men married and as a result, their grandchildren are the focus of this report.

Mr. and Mrs. Frank Begody have 6 children that are still living today and they are heirs of Navajo Allotted Land No's 50 and 51. Navajo Allotted Land No. is within the Harrison-Loesch Boundary. The 6 children are:

1. John Begay
2. Leonard Begody
3. Sam Begody
4. Nez Bancroft
5. Evelyn Begay
6. Juanita Grass

The 6 people listed above in turn have children and grandchildren of their own. These people had built homes and lived within Tuba City way before any highways were built. Now, these highways have been determined as boundaries and have separated peoples lives.

The other family within the Hopi Administrative Order is of Mr. and Mrs. Andrew Kelly. They had moved into the area with the approval of a Homesite Lease from the Navajo Tribe.

Other people who had interests in the area are the children and grandchildren of John Begay. These people had lived 300 yards east of the junction of Highways 160 and 264 until 1974, when they were told to move by Councilman James Maloney and Mark Begay. These people continue to live with hardship, with no Homesite Leases or descent homes.

FAMILIES WHO HAVE INTERESTS
WITHIN THE HARRISON-LOESCH
BOUNDARY AND SO EFFECTED.

1. Emmett and Faye Tso
2. Mark and Blanche Tatro
3. Leonard Begody
4. Sam Begody
5. Paul Begody
6. Juanita Grass
7. Evelyn Grass
8. Betty Etticity
9. Andrew Kelly

EMMETT TSO FAMILY

The Tso family had lived 150 yards east of the corner junction of Highways 160 and 264 until October 1973, when the Hopi Court issued an Injunction against the family to rebuild a home that was totally destroyed by fire on September 18, 1973. A shed and horse corral are intact.

The Tso's were claiming 8 acres surrounding the home prior to the burnout and total loss of homes and property. When the Tso family attempted to rebuild the home they lost, the Hopi Tribe issued an Injunction against the Tso's.

When the Hopi Tribe sued the Navajo Nation over the 1934 Navajo Reservation the Tso's attempted to intervene in the suit. Even though the Tso's were denied the Motion to Intervene, they are still seeking to do so in the future.

Tso children effected:

1. Reed Tso
2. Irene Tso
3. Tina Tso
4. Deanna Tso
5. Myra Tso
6. Darrell Tso
7. Violet Tso
8. Irvin Tso
9. Jimmy Tso

BLANCHE TAKO FAMILY

The Tako family lives $\frac{1}{4}$ mile Southeast of the junction of Highways 160 and 264. The Takos had 2 acres of Homestead lease issued to them by the Navajo Nation.

The Hopi Tribe have built 3 homes within this Homestead Lease without permission of the family and have been told of this fact, but the Hopi Tribe has ignored the Takos.

Blanche Tako is the daughter of Leonard Begody and is married to a Hopi. Even though their children are both Navajo and Hopi, the Hopi Tribe has been uncooperative in trying to resolve the Homestead lease boundary. Other problems arise that are ignored by the village of Moencopi and the Hopi Tribe.

Tako children effect:

1. Theresa Tako
2. Lisa Deel
3. Linda Tako
4. Ronnie Tako

LEONARD BEGODY

Leonard Begody will be 78 years old on June 3, 1982 and presently lives at his daughter's home, Blanche Taho.

Mr. Begody used to live about 1 mile east of Tuba City approximately 100 yards South of Highway 160 until 10 years ago when both of his hogans were broken into, dismantled and hauled off in vehicles. This was done at night when he was not home and the Hopi's were highly suspected of doing this. As a result of this, he has no home of his and stays at his daughter's home.

Even though he is an heir of Navajo Allotted Land his distant relatives live on the land and most of it is farmland that is used for planting crops.

Mr. Begody also used to have a race track $\frac{1}{4}$ of mile South of Highways junction 160 and 264. The Hopi have built new houses on part of this race track.

Children affected :

1. Faye Tso
2. Blanche Tabo
3. Paul Begody

SAM BEGODY

Sam Begody has a house nearest the Mormon Church about $\frac{1}{2}$ mile South of Highways junction 160 and 264. He has been told to remove his structure several times by the Hopi Tribe.

Mr. Begody presently lives in his sister's hogan due to its convenience without electricity or running water. This hogan is located 150 yds South of Highways junction 160 and 264.

Even though Mr. Begody is an heir of Navajo Allotted land, his distance relatives live on the land and most of it is farm land used for planting crops.

Child affected :

1. Betty Etticity

PAUL BEGODY

Paul Begody has a house $\frac{1}{8}$ of mile southeast of Highways junction 160 and 264. He has been told to remove his structure several times by the Hopi Tribe.

Mr. Begody has no electricity and no running water and there have been no improvements to the house for many years. The Hopi Tribe will allow hook up of water and electricity to Hopi homes, but not Navajo homes.

Presently Mr. Begody stays at his sisters ranch (Blanche Taho) 10 miles due east of Tuba City.

JUANITA GRASS

Juanita Grass has a hogan and a house near the Mormon Church $\frac{1}{8}$ mile south of Highways 160 and 264. Mrs. Grass has been told to remove the structures several times by the Hopi Tribe.

Presently, Mrs. Grass lives near Rare Metals. She grazes her sheep there because it's not feasible on

good to do so in Tuba City anymore, due to the population and development that exists in the area. The areas between Rare Metals and her homes in Tuba City were her original customary grazing area.

Even though Mrs. Grass is an heir of Navajo Allotted Land, her distant relatives live on the land and most of it is farm land used for planting crops.

Her homes have no electricity and no running water. No improvement for years.

Child affected:

1. Floyd Begay - He presently lives in Tsaile, Arizona and is employed in Chinle. He returns home every month and still considers Tuba City his home. He plans to return to Tuba City in the future.

Evelyn Begay

Evelyn Begay has a hogan and a house about 150 yards south of Highways junction 160 and 264. Mrs. Begay has been told to remove the structures several times by the Hopi Tribe.

Presently, Mrs. Begay lives near Rare Metals where she grazes sheep. At one time she and her family grazed sheep near her home in Tuba City, but the towns growth and development has limited this.

The homes in Tuba City have no running water or electricity. No improvements have been made either for many years.

Even though Mrs. Begay is an heir of Navajo Allotted Land, her distant relatives live on the land and most of it is farm land used for planting crops.

. Children effected:

1. Alice Dale
2. Margaret Granger
3. Alta Kootswatewa
4. Marty Bancroft
5. about 4 other smaller children

BETTY ETTICITY

Betty Etticity is the daughter of Sam Begody. She had a house built but it was vandalized and torn down before it was completed. The house was located $\frac{1}{4}$ mile Southeast of Highway's junction 160 and 264. The Hopi were highly suspected of vandalizing and tearing down the house at night.

Presently, Mrs. Etticity lives in Colorado with her husband who is employed as a miner. They are there only for employment and they plan on making a permanent home in Tuba City.

Mrs. Etticity returns to Tuba City on the average of once every 2 months. She still considers Tuba City her home, especially the immediate are of the disputed land where she had lived most of her life.

Children affected:

1. Charles Jr.
2. Damon Etticity
3. Nathan Etticity

ANDREW KELLY FAMILY

Mr. and Mrs. Andrew Kelly had acquired a Homestead lease from the Navajo Tribe. They have two houses, a hogan, corral and shed. They have been trying to improve there home area for years despite pressures from the Hopi Tribe. They have been told to move out several times and to remove their structures.

Because of no cooperation from the village or the Hopi government, they live at the BIA housing due to restrictions of water and electricity.

The Hopi Tribe has influenced the Arizona Highway Department of moving and fencing off the turn-offs to their home.

Children affected:

1. about 7 or 8 children.

FAMILIES MOVED BECAUSE OF
PRESSURES CREATED BY THE
1934 NAVAJO RESERVATION DISPUTE.

The family of Mr. & Mrs. John Begay had lived 300 yards east of Highways junction of 160 and 264 until 1974, when they moved because of pressures from both the Hopi Tribe and 2 Navajo Councilmen James Maloney and Mark Begay.

The families believed that they would get better treatment and housing if they moved across the highways into the Navajo Administrative Order. They removed all their houses, sheds, and property. To this day not one has a homesite lease and they still live in substandard homes, some still without running water or electricity.

John Begay is over 80 years old and his wife is over 90 years old. They still do not have a home of their own.

These two old people had their three children living near them. They are Bessie Begay, Susie Begay and Jessie who in turn had children of their own.

BESSIE BEGAY FAMILY

Bessie Begay had a house 300 yards east of Highways junction 160 and 264. She removed her house and moved 200 yds south of Navajo Housing Authority Low Rent Housing near the Kentucky Fried Chicken within the Navajo Administrative Housing. She had a two room framed house made by her son in which more than 12 people stay. This house has no running water or electricity. John Begay stays at this house.

Children Effected :

1. Andrew Yazzie
2. Marilyn Yazzie
3. Wanda Yazzie
4. Anthony Yazzie
5. Laverne Yazzie
6. Rita Begay
7. approximately 3 or 4 more children whose names could not be remembered by the writer.

SUSIE BEGAY FAMILY

Keith and Susie Begay had lived 250 yards east of the highways junction of 160 and 267. They dismantled and removed their house and property when they were told to move by both the Hopi Tribe and Navajo officials.

In 1977 they moved across the highways to about 8 mile north-west of the junction of Highways 160 and 267, directly behind the Navajo Trails Stopping Center. Mr. Begay built a 7 room framed house and more than 20 people stay there. They have running water but no electricity.

More than 8 children are affected & could not list names due to ^{the writer} not remembering all the names.

Mrs. John Begay stays at this household.

JESSIE BEGAY FAMILY

Jessie and Mary Begay used to live 300 yards east of the Highways junction of 160 and 264 until 1975 when they were told to move by both the Hopi Tribe and Navajo officials.

The Begays used to have a house and a shed, and were attempting to build a new house out of cinder block. The blocks were all rised to the top and the form of the house completed. They dismantled their houses, shed and property and moved across the highway where they attempted to build a new home.

A Hogan, shack and the start of the cinder block house began. The expected help from the Chapter and BIA never came. Mr. & Mrs. Begay got resistance from their neighbors who objected to their presence.

Mr. and Mrs. Begay never got there home completed. Two years ago they were divorced. The cinder block house was vandalized and

tom down by the neighbors who objected. Incidentally, the people who objected live in modern homes built by the government under the FJVA Relocation Program.

Now, this broken family and home live with relatives and other people through out Tuba City.

There are more than 10 children involved in this incident.

CONCLUSION

The above is a summary of the most immediate concerns of those listed. At least people have been directly affected by the 1934 Reservation dispute within the Hopi Administrative Order.

Not listed are the pains, emotions, anguish, distress and financial limitations set and created by the dispute.

Almost all of the families and their children have not been allowed or it is made extra difficult to obtain

Homesite Leases within the Navajo Administrative Order because of people not wishing for the people within the Hopi Administrative Order to move near them.

People have verbally opposed the people listed above when they attempt to acquire Homesite Leases.

This became apparent in 1980 when some people relocated to Tuba City from FJVA, protested to the Chapter and BIA.

There was a time when the land that they lived on was once considered Navajo Reservation, now it is viewed as the Hopis' by almost everyone. The people listed above should get full consideration by all parties involved in the dispute. Homesite Leases should approve to them out hassles or delays and assistance available should not be denied or delayed either.

The people mentioned are direct descendants of people who first came to this area and definitely should not be denied to live a descent life that they have dreamed and wish of having.

Senator DECONCINI. And, again, I want to thank the community of Tuba City for hosting us here today. The record will remain open for 2 weeks for statements of anyone who would like to submit. Some may have not been notified of the hearing or would like to add to their statements. I know Attorney General Yazzie is going to submit a few examples for us. Others may want to submit additional testimony.

CONCLUSION OF HEARING

Thank you. That concludes our hearing, we will stand in recess subject to the call of the Chair.

[Whereupon, at 11:50 a.m., Friday, July 9, the hearing was concluded, and the subcommittee was recessed, to reconvene subject to the call of the Chair.]

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