

# NAVAJO-HOPI LAND COMMISSION



## 2019 SECOND QUARTER REPORT

Prepared for the 24<sup>th</sup> Navajo Nation Council

Spring Session

April 15-19, 2019



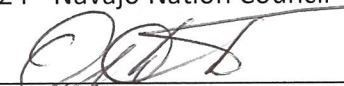
## 24<sup>TH</sup> NAVAJO NATION COUNCIL

April 5, 2019

### MEMORANDUM

TO : Honorable Seth Damon, Speaker  
24<sup>th</sup> Navajo Nation Council

: Honorable Members of the Navajo Nation Council  
24<sup>th</sup> Navajo Nation Council

FROM :   
Honorable Otto Tso, Chairman  
Navajo-Hopi Land Commission  
24<sup>th</sup> Navajo Nation Council

SUBJECT : Navajo-Hopi Land Commission 2019 Second Quarter Report

As required by 2 N.N.C. §857, the Navajo-Hopi Land Commission hereby, submits its 2019 Second Quarter Report. *"The Commission shall report quarterly and in writing to the Navajo Nation Council concerning matters relating to the land use conflict and agreements with the Hopi Tribe."*

For background information, the 23<sup>rd</sup> Navajo-Hopi Land Commission held its last meeting on January 10, 2019 and actions from that meeting are included in this report. Since then, there were no commission activities from January 11 through March 13, 2019.

On February 8, 2019, as mandated by the Navajo Nation Code, the Speaker of the 24<sup>th</sup> Navajo Nation Council appointed the commission members. And, on February 28, 2019 the Naabik'iyati' Committee confirmed the appointments by resolution NABIF-08-19. The first meeting of the 24<sup>th</sup> Navajo-Hopi Land Commission was held on March 14, 2019.

The Quarterly Report herein highlights the activities and accomplishments of the 23<sup>rd</sup> and 24<sup>th</sup> Navajo-Hopi Land Commission. It also includes information on the establishment of the commission.

Thank you.

# TABLE OF CONTENT

<b>NHLC Chairman’s Letter of Transmittal</b>	<b>2</b>
<b>NHLC Membership</b>	<b>4</b>
<b>Introduction</b>	<b>5</b>
Organization	5
Powers	5
Meetings	5
Staff	6
Reports	6
 <b>Second Quarter Activities</b>	 <b>6</b>
Meetings	6
Reports	6
Significant Accomplishments	7-8

## NAVAJO-HOPI LAND COMMISSION MEMBERS

The 24<sup>th</sup> Navajo-Hopi Land Commission was appointed by the Naabik'iyati' Committee. NABIF-08-19

Honorable Otto Tso, Chairman	To' Nanees Dizi
Honorable Raymond Smith, Jr., Vice Chairman	Klagetoh, Wide Ruins, Houck, Lupton, Nahata Dziil
Honorable Elmer Begay	Dilcon, Indian Wells, Teesto, Whitecone, Greasewood Springs
Honorable Kee Allen Begay, Jr.	Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain
Honorable Paul Begay	Coppermine, K'ai'bii'to', LeChee, Tonalea/Red Lake, Bodaway/Gap
Honorable Herman M. Daniels	Tsah Bii Kin, Navajo Mountain, Shonto, Oljato
Honorable Vince James	Jeddito, Cornfields, Ganado, Kinlichee, Steamboat
Honorable Thomas Walker, Jr.	Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake
Honorable Jimmy Yellowhair	Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill

## INTRODUCTION

The Navajo-Hopi Land Commission is established by the Navajo Nation Council by Resolution CAU-70-72 and codified at 2 N.N.C. §851 - §858. Its authorities is derived from the Navajo and Hopi Tribes: Settlement of Right and interests codified at U.S.C. § 640d -10 Resettlement lands for Navajo Tribe.

The commission was initially established in the Executive Branch and later moved to the Legislative Branch by Navajo Nation Council Resolution CD-68-89.

The purpose of the Navajo-Hopi Land Commission is to monitor, collect and update information on any and all land use conflicts between the Navajo Nation and Hopi Tribe, and any claimants in and to lands within the area described in the Act of June 14, 1934 (48 Stat. 960) (Defines the exterior boundaries of the Navajo Indian Reservation in Arizona, and for other purpose).

## ORGANIZATION

The Navajo-Hopi Land Commission is appointed by the Navajo Nation Council Speaker and confirmed by the Naabik'iyati' Committee of the Navajo Nation Council, thereby, serves at the pleasure of the Naabik'iyati' Committee.

The commission is comprised of nine (9) voting members representing areas affected by the Navajo-Hopi land Dispute. The Navajo Nation President and Vice-President serve as the ex-officio members of the commission.

## POWERS

The powers of the commission is to advise the Navajo Nation President on all matters relating to land use conflicts between the Navajo Nation and the Hopi Tribe, , and any claimants in and to lands within the area described in the Act of June 14, 1934 (48 Stat. 960)

And, to speak and act for the Navajo Nation with respect to the land selection and land exchange provisions of P.L. 96-305 by making such selections and approving or disapproving any proposed exchanges, subject to the limitations set forth in resolution CN-69-80.

## MEETINGS

The NHLC Chairman, a written request of 5 members of the NHLC or the Navajo Nation President can call a meeting of the NHLC. A quorum must be present.

## STAFF

The Navajo-Hopi Land Commission Office (NHLCO) is established in the Executive Branch under the direction of the President of the Navajo Nation. A staff assistant heads the NHLO, who serves at the pleasure of the President.

The NHLC utilizes the Navajo-Hopi Land Commission Office in performing its assigned functions. And, the minutes of all meetings are officially recorded by the Office of Legislative Services.

## REPORTS

The NHLC reports in writing and quarterly to the Navajo Nation Council concerning matters relating to the land use conflict and agreement with the Hopi Tribe.

## SECOND QUARTER ACTIVITIES

### MEETINGS

DATE	TYPE	LOCATION
March 14, 2019	Regular	Budget & Finance Committee Conference Room, Window Rock, AZ
March 28, 2019	Regular	Budget & Finance Committee Conference Room, Window Rock, AZ
March 30-31, 2019	Oversight Orientation	Twin Arrows Navajo Casino & Resort, Leupp, AZ

### REPORTS

- January 10, 2019 Report by Tolani Lake Enterprises and the Cameron Agricultural Ad-Hoc Committee on the 1st Quarter progress report for Grant Agreement CO13257 for the project entitled "Phase I Planning: Cameron Farm Enterprise Project."
- March 14, 2019 Greg Smith, Consultant, Hobbs, Straus, Dean & Walker, LLP, provided an introduction to the NHLC and also provided an update on his activities.
- March 28, 2019 Darrell Tso, President and Wayne Lynch, Vice President of the Nahata Dził Commission Governance provided an update on ongoing local priority issues.



## SIGNIFICANT ACCOMPLISHMENTS

1. On January 10, 201, the Navajo-Hopi Land Commission accepted by Resolution NHLCA-1-19, the Former Bennett Freeze Area Economic and Market Feasibility Study by Indigenous Design Studio + Architecture, LLC. In 2016, the NHLC reaffirmed the use of the Escrow Funds for the Former Bennett Freeze Area (FBFA) economic development projects, including an allocation of \$299,000 for a feasibility study. Nine (9) chapters were included in the study, Bodaway-Gap, Cameron, Coalmine Canyon, Coppermine, Kaibeto, Leupp, Tolani Lake, Tonalea and Tuba City. The study identified strategic needs, demands and constraints for commercial, industrial, small businesses and tourism development in the FBFA.
2. On January 10, 2019, the Navajo-Hopi Land Commission adopted the Dine' Relocatee Fund Policy by Resolution NHLCA-2-19. The policy sets forth the use of the revenues generated from the lands transferred or acquired under 25 U.S.C §640d-10. As authorized, the NHLC selected lands for conveyance to trust land as economic development endeavors. Rental fees and any revenues generated from the land exchanges and acquisition is to benefit Navajo families residing on Hopi-Partitioned Lands as of December 22, 1974. Selected lands include Twin Arrows tract, Tse Bonito tract, Turquoise Ranch, Paragon, New Lands and other lands to be acquired in the future.
3. On January 10, 2019 members of the 23<sup>rd</sup> Navajo-Hopi Land Commission, Speaker of the 23<sup>rd</sup> Navajo Nation Council and committee staff were recognized for their contribution in the advocacy, testimonials and support efforts to the communities affected by the relocation with public services awards.
4. On March 14, 2019, by Resolution NHLCA-3-19, the Navajo-Hopi Land Commission selected its officers. Honorable Otto Tso was selected as Chairperson and Honorable Raymond Smith, Jr. was selected as the Vice Chairperson.
5. On March 14, 2019, Greg Smith, Consultant, provided an update on the Office of the Navajo Hopi Relocation Office (ONHIR) closure and transition activities involving the Navajo Nation Washington Office and the Navajo Hopi Land Commission Office. Covered in the report were the status of the funding, appeals, and ongoing development of the transition planning efforts both locally and at the national level. In the works are congressional hearings and round table discussion which could be held locally or at the nation's capital.

Also, Mr. Perry Riggs, by teleconference introduced himself as the Deputy Executive Director for Navajo Nation Washington Office. He is from Leupp, AZ, and has been working with NHLCO, Mr. Greg Smith and ONHIR for the past few years.

Ms. Santee Lewis, NNWO Executive Director, introduced herself as well.

6. On March 28, 2019, Darrell Tso, President and Wayne Lynch, Vice President of the Nahata Dził Commission Governance provided an update on ongoing local priority issues. A request was made to NHLC and the Navajo Nation Council for support on empowerment with business

site leases, tax ordinance, acquisition of subsurface minerals rights, retaining Padres Mesa Demonstration Ranch, ONHIR closure transition, county taxes, liquor license held by NGE, and other issues related to acquired property.

7. On March 30-31, 2019, the Navajo-Hopi Land Commission conducted oversight orientations. The purpose was for Navajo Nation programs and federal offices whom managed projects that impact the communities affected by P.L. 96-305, the relocation of the Navajo and Hopi families to provide program information to the 24<sup>th</sup> Navajo-Hopi Land Commission. Presentations included:

- Navajo Department of Justice – Litigation Update
- Greg Smith, Consultant – Update Report
- Navajo Land Department - Land status, land purchases and exchanges; home site lease policies and related issues to NPL, HPL & relocation communities.
- NHLCO and Division of Natural Resources - Paragon-Bisti Solar Ranch project
- Department of Agriculture – Tribal Ranches acquired through the Navajo-Hopi Land Settlement Act; NPL Grazing permit reissue; Integrated Range Management Plan
- Division of Community Development – Home Inspector; Home Renovation and Replacement project
- Office of the Controller – Rehabilitation Trust Fund Account and Escrow Account
- Office of Navajo and Hopi Indian Relocation - Historical information, budget update, public laws, accomplishments, outstanding issues, supporting data, transition report and other information
- Navajo Hopi land Commission Office – was rescheduled to report at a regular NHLC meeting

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RESOLUTION OF THE  
NAABIK'ÍYÁTI' STANDING COMMITTEE OF THE  
24<sup>th</sup> NAVAJO NATION COUNCIL -- First Year, 2019

AN ACTION  
RELATING TO NAABIK'ÍYÁTI' COMMITTEE; APPROVING THE SPEAKER'S  
APPOINTMENTS OF MEMBERS TO THE NAVAJO-HOPI LAND COMMISSION

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council established the Naabik'iyáti' Committee as a Navajo Nation standing committee. 2 N.N.C. § 700 (A).
- B. The Naabik'iyáti' Committee approves the Navajo Nation Speaker's appointments to the Navajo-Hopi Land Commission. 2 N.N.C. § 852 (A).

SECTION TWO. FINDINGS

- A. The Navajo Nation Council established the Navajo-Hopi Land Commission within the Legislative Branch. 2 N.N.C. § 851 (A).
- B. The Navajo-Hopi Land Commission's purpose is to "[m]onitor, collect, and update information on any and all land use conflicts between the Navajo Nation and the Hopi Tribe, and any claimants in and to lands within the area described in the Act of June 14, 1934 (48 Stat. 960) [and to] [s]peak and act for the Navajo Nation with respect to the land selection and land exchange provisions of P.L. 96-305." 2 N.N.C. § 851 (B).
- C. The Speaker shall appoint nine Navajo Nation Council voting members who represent areas affected by the Navajo-Hopi Land Dispute. 2 N.N.C. § 852 (A).
- D. The Speaker's memorandum appointing nine members to the Navajo-Hopi Land Commission is attached as **Exhibit A**.

- E. The Navajo-Hopi Land Commission members shall serve at the pleasure of the Naabik'iyáti' Committee. 2 N.N.C. § 852 (B) (2).
- F. The Navajo-Hopi Land Commission members shall serve a term coinciding with their term as Navajo Nation Council Delegates and until their successors are appointed. 2 N.N.C. § 852 (D).

### SECTION THREE. APPROVING APPOINTMENTS

The Naabik'iyáti' Committee approves the Speaker's appointments to the Navajo-Hopi Land Commission:

1. Honorable Elmer P. Begay
2. Honorable Kee Allen Begay, Jr.
3. Honorable Paul Begay
4. Honorable Herman M. Daniels
5. Honorable Vince R. James
6. Honorable Raymond Smith, Jr.
7. Honorable Otto Tso
8. Honorable Thomas Walker, Jr.
9. Honorable Jimmy Yellowhair

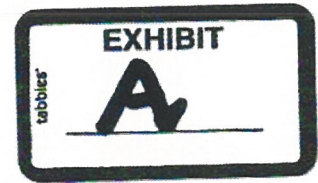
### CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 24<sup>th</sup> Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 18 in Favor, and 00 Opposed, on this 28<sup>th</sup> day of February 2019.

  
Honorable Seth Damon, Chairman  
Naabik'iyáti' Committee  
24<sup>th</sup> Navajo Nation Council

Motion: Honorable Amber Kanazbah Crotty  
Second: Honorable Eugenia Charles-Newton

Chairman Seth Damon not voting



24<sup>TH</sup> NAVAJO NATION COUNCIL  
OFFICE OF THE SPEAKER

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HONORABLE SETH DAMON

*Speaker, 24<sup>th</sup> Navajo Nation Council*

MEMORANDUM

TO: Honorable Elmer P. Begay, Council Delegate  
Dilkon, Indian Wells, Teesto, Whitecone, Greasewood Springs

Honorable Kee Allen Begay, Jr. Council Delegate  
Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain

Honorable Paul Begay, Council Delegate  
Coppermine, K'ai'ito, LeChee, Tonalea/Red Lake, Bodaway/Gap

Honorable Herman M. Daniels, Council Delegate  
Tsaah Bii Kin, Navajo Mountain, Shonto, Oljato

Honorable Vince R. James, Council Delegate  
Jeddito, Cornfields, Ganado, Kinlichee, Steamboat

Honorable Raymond Smith, Jr., Council Delegate  
Klagetoh, Wide Ruins, Houck, Lupton, Nahata Dził

Honorable Otto Tso, Council Delegate  
To Nanees Dizi Local Government

Honorable Thomas Walker, Jr., Council Delegate  
Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake

Honorable Jimmy Yellowhair, Council Delegate  
Hard Rock, Forest Lake, Piñon, Black Mesa, Whippoorwill Springs

FROM:

  
Seth Damon, Speaker  
OFFICE OF THE SPEAKER

DATE: February 8, 2019

LEGISLATIVE BRANCH

Office of the Speaker • Post Office Box 3390 • Window Rock, Arizona 86314 • Ph. (928) 871-7160 • Fax (928) 871-7333

SUBJECT: Appointment to the Navajo-Hopi Land Commission 24<sup>th</sup> Navajo Nation Council

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This memorandum serves as notification of appointment to the Navajo-Hopi Land Commission. It is my pleasure to appoint you as a member of the 24<sup>th</sup> Navajo-Hopi Land Commission. Your appointment will be effective upon the approval by the Naabik'iyáti' Committee and will be concurrent with your term as an elected Navajo Nation Council Delegate representing your respective chapters.

This appointment is consistent with 2 N.N.C. § 852 (A) and (B)(2), wherein it states the nine members of the Navajo-Hopi Land Commission shall be appointed by the Speaker of the Navajo Nation Council with the approval of the Naabik'iyáti' Committee. Further, 2 N.N.C. § 852 (B) (1) cites the requirement that the membership shall consist of voting members of the Navajo Nation Council representing areas affected by the Navajo-Hopi Land Dispute.

The purpose and authorities of the Navajo-Hopi Land Commission is cited at 2 N.N.C. §§ 851 and 853.

The Navajo-Hopi Land Settlement Act of 1974 has devastated families and the ensuing pain and suffering is now a multi-generational tragedy. Furthermore, the land selection and the Office of Navajo Hopi Indian Relocation issues continue. Your leadership in advocating on behalf of the Navajo people who have been relocated from their homelands is critical.

If you have any questions please contact Lashawna Iso, Chief of Staff with the Office of the Speaker at (928) 871-7160.

Thank you.

Cc: Office of Legislative Counsel  
Office of Legislative Services  
Office of the President Vice President  
Office of the Navajo-Hopi Land Commission

LEGISLATIVE BRANCH

Office of the Speaker : Post Office Box 1390 • Window Rock, Arizona 86314 • PH (928) 871-7100 • FAX (928) 871-7255

# NAVAJO NATION

RCS# 66

Naa'bik'iyati Committee

2/28/2019

05:21:29 PM

Amd# to Amd#  
MOT Crotty  
SEC Charles-Newton  
Legislation 0036-19: Approving  
the Speaker's appointments of  
Members to the Navajo-Hopi Land  
Commission

PASSED

Yea : 18

Nay : 0

Excused : 0

Not Voting : 6

## Yea : 18

Begay, E	Crotty	Smith	Tso, E
Begay, P	Freeland, M	Stewart, W	Tso, O
BeGaye, N	Halona, P	Tso, C	Walker, T
Brown	Henio, J	Tso, D	Yellowhair
Charles-Newton	Nez, R		

## Nay : 0

## Excused : 0

## Not Voting : 6

Begay, K	Daniels	Wauneka, E	Yazzie
Damon	James, V		