



23RD NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

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Budget and Finance Committee addresses Navajo land acquisition policies

WINDOW ROCK – The Budget and Finance Committee considered Legislation No. 0101-16 on May 3, which seeks to amend Navajo Nation Code Title 16 regarding land acquisition and disposal, as well as to enact the Navajo Nation Acquisition of Lands Act.

Legislation sponsor Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Łichíí, Steamboat) said the current Navajo Nation Policy on Acquisition of Lands was enacted in 1954, which was for the purpose of acquiring lands for grazing, consolidating checkerboard land areas, and overcrowding, adding that the process is outdated and does not meet the needs of the Navajo Nation today.

“We are trying to streamline the process and develop strong regulations that will be accountable to the Nation, and the bottom-line is to be more competitive and take out a lot of the burden and limitations in acquiring and disposing lands,” said Delegate Shepherd.

Delegate Shepherd said that streamlining the land acquisition process allows the Navajo Nation to purchase and dispose of real property to be more competitive in the real estate market, and acquiring prime properties may generate additional revenues for the Nation.

According to the legislation, the proposed act would delegate the Navajo Nation Division of Natural Resources executive director the authority to grant final approval of land acquisitions and disposals of real property, and to take all steps necessary to acquire or dispose of land which includes due diligence studies, hiring real estate brokers, appropriating funds for earnest money, closing costs, and title insurance.

BFC chair Council Delegate Seth Damon (Bááháálí, Chichiltah, Manuelito, Tsé Lichíí, Rock Springs, Tsayatoh) raised concerns regarding the extent of authority that would be granted to the NNDNR executive director, if the Council passes the bill and it is signed into law.

“Let’s say if the director, or [President Begaye] says lets buy \$52 million worth of land. That’s a huge portion of land and money for one person to buy. It seems like the director is going to just report back to the Resources and Development Committee, but they will not have to be involved until after the purchase,” stated Delegate Damon, who also asked if there would be a limit placed on the dollar amount that the executive director could expend under the delegation of authority.

In response, Delegate Shepherd said that if Council members have concerns with the proposed land acquisition process, he would be open to suggestions and amendments to ensure efficiency and security. He added that he received concerns from the Eastern Navajo Land Commission and would also consider their proposals to the legislation.

BFC vice chair Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinõn, Whippoorwill) said he understood the need for streamlining the land acquisition process, but it was important to keep in mind that a checks-and-balances system needs to be included as a security measure.

“My concern is we have a non-elected person making huge land decisions and the opportunity to potentially be influenced by others, may not be in the best interest of the Nation. That is the concern that I have,” said Delegate Witherspoon. “You have to avoid potential issues, although it may not happen now, it could happen years down the road.”

Delegate Witherspoon suggested that the RDC create a subcommittee that will safeguard any land acquisition or disposals proposed by the NNDNR executive director, as well as participate in the process.

BFC members voted 4-0 to approve Legislation No. 0101-16. The legislation moves forward for further consideration by the Resources and Development Committee, Naabik’iyáti’ Committee, and the Navajo Nation Council.

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