



Navajo Nation Council focuses on extension to 50-year Quadrilateral Agreement expiration date to allow for renegotiation

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WINDOW ROCK, Ariz. — The 1970 Quadrilateral Agreement and memorandum of understanding (MOU) between the Navajo Nation, the U.S. Department of the Interior National Park Service, Bureau of Indian Affairs and the Bureau of Reclamation for use of the Glen Canyon National Recreation Area is set to expire in September.

The 24th Navajo Nation Council recently began deliberating on a request for an extension to the expiration date of the agreement and MOU due to the coronavirus pandemic and to allow input from the Navajo Nation and local communities.

The Quadrilateral Agreement serves to preserve the Navajo Nation's rights, privileges and remedies by law and further authorizes the Navajo Nation to construct, contract for and manage the Rainbow Bridge Concession Area, subject to NPS approval.

The agreement also outlines rights and responsibilities relating to the development, maintenance and management of Antelope Point located northeast of Page.

At the Jun. 25 regular meeting of the Naabik'iyáti' Committee, a report was delivered by Acting Assistant Attorney General Katherine Belzowski from the Navajo Nation Department of Justice (NNDOJ) who updated the 24th Navajo Nation Council on the upcoming expiration of the 1970 Quadrilateral Agreement and MOU.

The September expiration leaves little time for the NNDOJ, Division of Natural Resources (DNR), the Office of the President and Vice President and the 10 associated Navajo Nation chapter communities to assist in the negotiations for resource management and economic development in the area.

Belzowski also provided information about a Bridge Agreement between the Navajo Nation and NPS established on Jan. 13, 2003, and the earlier MOU for a development plan concept plan for Antelope Point on Sept. 16, 1994.

The Quadrilateral Agreement, MOU and Bridge Agreement were intended to ensure that opportunities for Navajo economic development within the area were protected, including rights to consultation, Navajo contracting preference and Navajo employment preference.

The NPS's Glen Canyon National Recreation Area currently administers the water-based property below elevations of 3,700 feet, whereas the Navajo Nation maintains jurisdiction above the 3,700 feet elevation line.

It was recognized that NPS has failed to recognize Navajo sovereignty or businesses or grant written approval to develop or operate around Antelope Lake and the Little Colorado River throughout the last 50 years, which is not in accordance with the 50-year-old agreement.

Navajo Nation Division of Economic Development Executive Director JT Willie recounted many locally-based development interests, including managed recreational areas for boating, hiking, camping, and rock climbing.

Clearing these developments under extensive federal guidelines and boundary conflicts is an arduous process that also requires permissions from local chapter communities and other Navajo Nation departments.

“The market for these activities is there,” said Willie. “However, all of these clearances are affected by the current Quadrilateral Agreement and need to be considered moving forward.” Willie stressed the importance of the renegotiation process, as it will determine how the Navajo Nation maintains its interests across the entire agreement area.

Lechee Chapter President Jerry Williams also highlighted the opportunity for the Navajo Nation Council to expand the Nation’s sovereignty. This can be addressed directly by more comprehensive Lake Powell water rights and greater control of the one-mile buffer that the Navajo Nation currently co-manages with NPS.

According to Williams, the Navajo Nation is supposed to control the one-mile buffer zone surrounding Horseshoe Bend, but does not receive any funds from tourism in that area. If that area is forfeited to the NPS, any potential economic development opportunities that benefit the Navajo Nation will be lost.

“Everyone needs to understand that this agreement, when made, is so unfair and one sided,” added JoAnn Yazzie-Pioche, Lechee Chapter Vice President. “25 years is too long to see changes, let alone 50.”

Yazzie-Pioche suggested taking the water issues to Congress, citing the ways that NPS has disallowed Navajo businesses on the Colorado River and hindered Navajo traditions by complicating the ability to give offerings at sacred sites.

In addition, Yazzie-Pioche informed the Council that there is often little to no Navajo representation at the annual NPS Native consultation meetings, resulting in decisions about Navajo land often being made without proper input.

Although development is not prohibited in the one-mile buffer zone, it requires NPS to provide written approval for any projects, which often does not happen.

Western Navajo Nation Agency Council President Hank Stevens of the Navajo Mountain Chapter also reported on the Parcel B area and the deterioration of the land around Lake Powell. Stevens indicated that his chapter, and other local chapters, want to be included in the decision-making process regarding issues affecting their residents.

Council Delegate Herman M. Daniels (Tсах Bii Kin, Navajo Mountain, Shonto, Oljato) agreed with Stevens and echoed the position that the Sept. 20 deadline should be extended by formal requests through NNDOJ to ensure that the Navajo people and future generations are adequately served.

Katherine Belzowski confirmed that an extension has not yet been requested. She said the NNDOJ would provide legal advice and support the Council in developing a plan to propose a new agreement.

In the meantime, the NNDOJ will continue to work with area Chapters to establish new priorities and renegotiate agreements with the NPS.

Council Delegate Paul Begay (Coppermine, K’aibii’to, LeChee, Tonalea/Red Lake, Bodaway/Gap) expressed his concern with the fast approaching deadline and volunteered to lead the initiative to regain control of the resources and economic development in the area.

Council Delegate Carl Roessel Slater (Round Rock, Lukachukai, Rock Point, Tsaile/Wheatfields, Tsé Ch’izhi) added his support for an extension and suggested that Delegate Begay be the only council delegate involved in order to expedite the process.

Multiple delegates, including Slater and Begay, expressed their disappointment in the Executive Branch and the Division of Natural Resources for their lack of involvement and lack of attendance when the significant Quadrilateral Agreement is being discussed by the Council.

Legislation No. 0164-20

At the Aug. 5 Resources and Development Committee meeting, Delegate Daniels presented Legislation No. 0164-20 to request an extension to the termination date of the Quadrilateral Agreement, 1994 MOU and 2003 Bridge Agreement by one year, ending Sept. 11, 2021.

Delegate Daniels stated, "It's been 50 years since the Quadrilateral Agreement was signed." He later said that extending the agreement for another 50 years would be too long a time period.

Delegates Paul Begay and Daniels proposed this legislation in hopes of giving more time to safely come up with a decision as to how to move forward without having to divert time and energy away from the coronavirus pandemic response.

"Because of the pandemic... we're up against the day," said Leupp Chapter Vice President Angela Horseherder-Cody. She added that more time was needed to include amendments and to hold leadership meetings. "It's a really collective effort to put forth the best planning," Cody said.

NNDOJ Assistant Attorney General Roderick Begay said that his department is primarily concerned with economic community development, adding that NNDOJ is the lead legal entity for the negotiations. Begay said his department is advocating on behalf of the chapters and that the extension is ultimately a policy matter.

Following the consideration of the expiration date extension, Legislation No. 0164-20 passed through a vote of 4 in favor and 0 opposed at the Resources and Development Committee.

The committee, at the urging of Council Delegate Mark Freeland (Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano, Nageezi, Crownpoint), also voted to tentatively schedule a leadership meeting with chapters and the NNDOJ on Aug. 14. An official date is yet to be confirmed.

Legislation No. 0164-20 will next be considered by the Naabik'iyáti' Committee at its next regular meeting. Legislation details and exhibits are available online through the Diné Bibeeshaz'áanii Binaaltsoos (DiBB) legislative tracking system at: <http://dibb.nnols.org/>.

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