



25th Navajo Nation Council

25TH NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

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Eastern Navajo Land Commission reviews NHPA Agreement and land status for Navajo Code Talker Museum Project



Members of the Eastern Navajo Land Commission discuss guidelines for timeframes, procedures concerning oil and gas projects, and plans for the Navajo Code Talker Museum in Tse Bonito, N.M.

FARMINGTON, NM. – On Thursday, the Eastern Navajo Land Commission (ENLC) deliberated reports related to Section 106 of the National Historic Preservation Act (NHPA) and the proposed Navajo Code Talker Museum.

The NHPA discussion focused on a programmatic agreement between the Bureau of Land Management (BLM), Bureau of Indian Affairs (BIA), and other agencies to address land use and cultural resource protection under Section 106 of NHPA.

Eric Simpson, BLM's lead archaeologist, explained that the programmatic agreement aims to streamline approval processes for oil and gas projects on Navajo allotted lands, balancing development with cultural preservation.

ENLC Chair Delegate Danny Simpson described the agreement as an alternative to traditional NHPA regulations. It sets clear guidelines for timeframes, points of contact, and procedures, particularly concerning oil and gas projects. By replacing certain NHPA provisions, the agreement seeks to accelerate approvals for projects like drilling, pipeline construction, and road building on BLM lands and adjacent areas.

However, commission members expressed concerns about whether the agreement sufficiently protects Navajo allotted lands and tribal interests, particularly in light of potential oil and gas development impacts. The Commission requested that BLM include considerations for roads, powerlines, and other infrastructure in the agreement to expedite right-of-way (ROW) approvals.

“Public Law 638 requires input from neighboring tribes, but the Commission’s priority is protecting the interests of Navajo allottees. We must ensure these protections before approving this document,” Chair Simpson stated.

Navajo Nation Historic Preservation Office Department Manager Richard Begay recommended that BLM proceed with the agreement independently from BIA, suggesting that this would better protect Navajo interests and expedite the process.

The ENLC also reviewed a report from Leonard Tsosie, ENLC Office Director, on the land status and plans for the Navajo Code Talker Museum in Tse Bonito, N.M.

Council Delegate Lester Yazzie reported that the state of New Mexico had allocated \$7 million for the museum’s design, but land status issues are delaying progress. The land, currently held as fee land donated by Chevron Corp., must be placed into Navajo trust to allow construction and secure continued funding.

Delegate Yazzie expressed concern over whether the land had been moved into trust and whether this would affect the use of the allocated \$7 million.

“The project’s reversion date has already been extended twice, with the next reversion date set for June 2025. We must secure funding before it expires,” Yazzie said.

Albert Damon Jr., owner of the Damon Development Group, reported that the issue is currently with the Department of Justice (DOJ), and updates are pending. He clarified that the land may have to be placed into Navajo trust to allow construction and secure continued funding.

Damon also noted that the tribe had considered several locations on the donated land, but steep terrain and floodplain issues have caused delays. They are now seeking a suitable site and need confirmation that the land will be placed into trust in order to move forward with planning and secure state funding.

Council Delegate George Tolth emphasized the importance of resolving the land status issue, “The tribe cannot begin the study and design phase until we know the land will belong to the tribe.”

The ENLC voted unanimously to accept both reports, with recommendations for updates at the next regular meeting.

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