

RESOLUTION OF THE
NAABIK'ÍYÁTI' COMMITTEE OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL—FIRST YEAR, 2015

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND NABIK'ÍYÁTI'
COMMITTEES; OPPOSING A FORT WINGATE LAND DIVISION

BE IT ENACTED:

Whereas:

- A. The Resources and Development Committee is established as a standing committee of the Navajo Nation Council and shall exercise oversight authority over water, land, grazing, environment, environmental protection, cultural resources, agriculture, livestock, wildlife, roads and transportation, air transportation, communications and utilities, information technology, chapter activities, economic and community development, commerce and trade, gaming, rights-of-way, minerals, public utilities, telecommunications, housing for the purpose of establishing Navajo Nation policy with respect to the optimum utilization of all Navajo Nation resources and to protect the rights, interests, sacred sites and freedoms of the Navajo Nation and People to such resources, now and for future generations. 2 N.N.C. § 500 (A), (C) (1)
- B. The Naabik'íyáti' Committee has the power to assist and coordinate all requests for information, appearances and testimony relating to proposed county, state and federal legislation impacting the Navajo Nation. 2 N.N.C. § 701 (A) (6).
- C. The Fort Wingate Depot Activity ("FWDA") is located east of Gallup, New Mexico and borders the Navajo Nation; the Navajo People have lived upon and used these lands for our ceremonies since time immemorial.

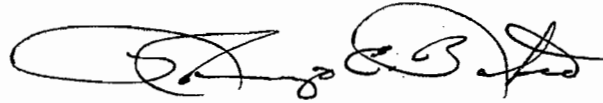
- D. The Fort Wingate Military Depot was withdrawn from public domain lands by Executive Order 1870 to establish a military depot.
- E. In 1988, the United States Congress enacted the Defense Base Closure and Realignment Act (P.L. 100-526, 102 Stat. 2623) which authorized the closure of certain military facilities.
- F. In 1993, the United States Army closed the Fort Wingate Military Depot and the land was scheduled to be returned to the public domain - the Department of the Interior.
- G. The United States War Department, in 1928, stated that the land was to be held in trust by the federal government to be returned to the Navajo Nation after it ceased to be of use to the federal government.

Therefore Be It Resolved:

- A. The Navajo Nation hereby will not support any U.S. House or U.S. Senate Bill that will address a Fort Wingate land division with any area Tribe or Pueblo unless matters are addressed as outlined here, but not limited to these issues:
 - 1. That no Tribe or Pueblo may develop or operate a gaming facility on the Fort Wingate lands; and,
 - 2. That Tribes religious and burial sites will be identified and protected with easements to provide access; and,
 - 3. The ongoing Federal responsibility for remediation will be clearly addressed with a funding mechanism identified; and,
 - 4. That Congress affirm the Navajo Nation's authority to negotiate the extension of existing rights-of-way on the Fort Wingate lands or new rights-of-way on apportioned parts of the Fort Wingate lands; and,

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 23rd 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 7 in favor and 3 opposed, (Two from each Standing Committee pursuant to 2 N.N.C. § 700 (D)), this 16th day of April, 2015.

A handwritten signature in black ink, appearing to read "LoRenzo C. Bates", with a large, stylized initial "L" and "B".

LoRenzo C. Bates, Chairperson
Naabik'íyáti' Committee

Motion: Honorable Davis Filfred
Second: Honorable Benjamin Bennett

Class "B" Resolution
Area Approval Required

RESOLUTION OF THE
NAVAJO TRIBAL COUNCIL

Approving the Navajo Land Consolidation Act of 1988

WHEREAS:

1. The Navajo Tribal Council is the governing body of the Navajo Nation; and
2. On 19 April 1988, the Advisory Committee of the Navajo Tribal Council recommended that the Navajo Tribal Council adopt the Navajo Land Consolidation Plan, as further described in Exhibit "B" attached hereto; and
3. On 31 March 1988, the Eastern Navajo Joint Land Board approved a resolution recommending adoption of the proposed Navajo Land Consolidation Plan, as described in Exhibit "B" attached hereto; and
4. On 9 March 1988, the Resources Committee of the Navajo Tribal Council approved a resolution (attached hereto as Exhibit "B") recommending adoption of the Navajo Land Consolidation Plan by the Navajo Tribal Council; and
5. On 6 February 1988, the Eastern Navajo Council adopted a resolution (attached hereto as Exhibit "B") which supports the consent of the Navajo Land Consolidation Plan; and
6. By Resolution ACMY-115-87, the Advisory Committee of the Navajo Tribal Council directed the Department of Justice of the Navajo Nation and the Navajo Division of Resources to develop a Navajo Land Consolidation Plan for adoption by the Navajo Tribal Council as soon as possible; and
7. The Eastern Navajo Agency is composed of a complex mixture of Indian trust, allotment, state, federal and private lands situated in a "checkerboard" fashion within northwestern New Mexico; and
8. In 1983, Congress enacted the Indian Land Consolidation Act (January 13, 1983; P.L. 97-459; Title II; 96 Stat. 2517; amended October 30, 1984; P.L. 98-608; 98 Stat. 3171, codified at 25 U.S.C. 2201, et seq.) to consolidate ownership of Indian land into a uniform block. The Indian Finance Act (April 12, 1974; P.L. 93-262; Title I; 88 Stat. 78; codified at 25 U.S.C. Section 1466 [1983]) and the Federal Property and Administration Services Act of 1949, as amended (codified at 40 U.S.C. Section 483

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(a)[Supp. 1987]), provide further authority for taking land and improvements into trust for the Navajo Nation; and

9. These Acts provide for, among other things, the promulgation of a Tribal land consolidation plan, approved by the Secretary of the Interior, to provide for: consolidation of Indian land through exchange or purchase; elimination of undivided fractional interests in tribal trust or allotted land situated in the designated consolidation area (25 U.S.C. 2203 [1987 Supp.]); and, provision for the transfer of excess federal property in trust to the Navajo Nation; and

10. The Navajo Nation Department of Justice has drafted a Land Consolidation Plan to facilitate the acquisition and consolidation of lands for the use of the Navajo people in the States of Arizona, New Mexico and Utah; and

11. The Navajo people desire to consolidate the "checkerboard" pattern of land tenure in the eastern portion of the Navajo Indian Reservation and the Eastern Navajo Agency for the use of the Navajo people; and

12. The Navajo Land Consolidation Plan, attached hereto as Exhibit "A", will serve the best interests of the Navajo Nation and should be adopted; and

13. Since February of 1988, the Navajo Nation has presented the draft Navajo Land Consolidation Plan to various Chapters and Navajo allottee organizations throughout the Eastern Navajo Agency. Based upon comments received from various Federal agencies, the Department of Justice of the Navajo Nation, and the general public, the plan has been amended from time to time as described in Exhibit "C", attached hereto; and

14. Various chapters throughout the Eastern Navajo Agency have adopted resolutions supporting the Navajo Land Consolidation Plan, as further described in Exhibit "D" attached hereto; and

15. The Department of Justice of the Navajo Nation has recommended additional language to the proposed consolidation plan (as described on pages 1, 3, 4, 6, 7, 8 of Exhibit "A") since the Advisory Committee reviewed and recommended adoption of the plan.

NOW THEREFORE BE IT RESOLVED THAT:

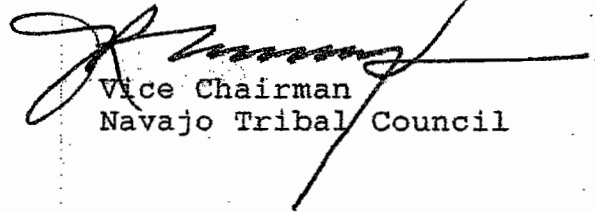
1. The Navajo Tribal Council hereby approves the Navajo Land Consolidation Act of 1988 by adopting the Navajo Land Consolidation Plan attached hereto as Exhibit "A".

2. The Navajo Tribal Council further requests the Secretary of the Interior to delegate his authority to approve the Navajo Land Consolidation Plan to the Area Director, Navajo Area, Bureau of Indian Affairs.

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CERTIFICATION

I hereby certify that the foregoing resolution was considered by the Navajo Tribal Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 49 in favor and 0 opposed, this 4 day of May, 1988.


Vice Chairman
Navajo Tribal Council

ATTACHMENTS ON FILE AT
CENTRAL RECORDS -

Exhibits "A"
"B"
"C"
"D"

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Proposed Amendment of the Navajo Tribal Code
Promulgating the Navajo Land Consolidation Act of 1988

Note: This plan is an addition to the Navajo Tribal Code, Title 16, Chapter 6. The contents of the plan should be printed in full.

Chapter 6, Title 16

NAVAJO LAND CONSOLIDATION PLAN

Section 501 Purpose of Plan

The purpose of the Navajo Land Consolidation Plan is to provide additional authority to consolidate and augment the Navajo land base, in accordance with the provisions of the Indian Land Consolidation Act, 25 U.S.C. §§2201, et seq. (ILCA). The Indian Finance Act (April 12, 1974; P.L. 93-262, Title I; 88 Stat 78, codified at 25 USC §1466 [1983]), 25 USC 463(a); 25 USC 465,* the Federal Property and Administration Services Act of 1949, as amended (codified at 40 USC §483(a) [Supp. 1987]), and Section 5 of the Navajo and Hopi Indian Rehabilitation Act of 1950, as amended (codified at 25 USC §635) provide further authority for taking land and improvements into trust for the Navajo Nation under this plan. Acquisitions of land under this plan shall conform to the policies, priorities, and procedures of Chapter 1, Title 16 of the Navajo Tribal Code, unless otherwise expressly stated in this Plan or any amendment thereto approved by the Navajo Tribal Council or its duly authorized Committee. Lands so acquired will be administered for economic, industrial, residential, recreation, and other purposes as set forth by the Navajo Tribal Council and its duly authorized Committees.

Section 502. Land Consolidation Area

A. The land acquisition and consolidation area is located within the boundaries depicted in Figure "A," which includes all lands, including federally administered and public domain lands, within:

- (1) the boundaries of the Navajo Reservation;

*New language underscored.

- (2) Navajo "Indian Country" as defined by 18 U.S.C. § 1151;
- (3) the aboriginal land area of the Navajo Tribe of Indians, as established by the Indian Claims Commission;
- (4) the counties of McKinley, San Juan, Sandoval, Cibola, Bernalillo, Socorro, and Valencia in the State of New Mexico; and
- (5) Such other lands as designated on the map attached hereto as Figure "A."

B. Any land consolidation plans approved previously by the Bureau of Indian Affairs for the satellite Reservations of Alamo, Canoncito, and Ramah shall be deemed to be incorporated herein, and may be amended by the Navajo Tribal Council or its duly authorized Committee.

Section 503. Operational Policy and Procedure

- A. Tracts and properties within the land consolidation area will be continually monitored to identify available acquisitions. Close contact will be maintained with Bureau of Indian Affairs Navajo Area, Branch of Realty personnel for identification of individual allotted and restricted heirship lands or minerals or water rights, with the Navajo Nation's preferential rights being exercised during the sale process.
- B. Specific proposals for acquisition and consolidation will be developed by the Resources Committee of the Navajo Tribal Council, with the assistance of the Navajo Division of Resources and the Department of Justice of the Navajo Nation. The Resources Committee will recommend to the Navajo Tribal Council resolutions for final action, and to authorize the Bureau of Indian Affairs to accomplish any federal actions needed to effect such transaction.

- C. An interest bearing account, known as the "Tribal Land Consolidation Account," shall be established under the supervision of the Director of the Navajo Office of Financial Services as a separate account of the Navajo Division of Resources. All proceeds derived from transactions of tribal land consolidations shall be deposited into this account and utilized only for the purposes of land consolidation.
- D. An appraisal of value will be developed in accordance with the established standards of the appraisal profession by the Office of Navajo Land Administration and utilized as a guide in all acquisitions, disposals, exchanges, and other proposals for land consolidation. The Navajo Tribal Code and all applicable provisions of the Code of Federal Regulations (25 C.F.R. Part 151-Land Acquisitions) shall be followed.

Section 503.1 Purchase, Sale, or Exchange of Interests

The Navajo Tribal Council or its duly authorized Committee, upon recommendation of the Resources Committee, may sell, exchange, purchase, or acquire any Tribal trust or restricted or unrestricted lands, or interests in such lands for the purpose of eliminating undivided fractional interests in Navajo Tribal trust or restricted lands, or consolidation of Tribal land holdings. Any such purchase, sale, or exchange shall conform to the following conditions:

- A. The sale price or exchange value received by the Navajo Nation for land or interests in land covered by this section shall deviate by no more than ten per centum (10%) of the fair market value;
- B. If the Navajo Nation land involved in an exchange is of greater or lesser value than the land for which it is being exchanged, the Navajo Nation may accept the land exchange or give or receive cash in such exchange to equalize the values of the property exchanged;

- C. Proceeds from the sale of land or interests in land or proceeds received by the Tribe to equalize an exchange made pursuant to this section shall be deposited in the Navajo Tribal Land Consolidation Account and additional monies may be deposited in said account as authorized by the Navajo Tribal Council;
- D. The Navajo Nation may reserve the mineral and water rights to such sold or exchanged land.
- E. The Navajo Nation may purchase less than the whole estate.

Section 503.2 Purchase of Undivided Fractional Interests

- A. The Navajo Nation may purchase at no less than fair market value all of the surface interests of any tract of trust or restricted land within the land consolidation area described in Section 502 above ~~Navajo Reservation or otherwise consistent with the Navajo Nation's jurisdiction~~* with the consent of the majority owners of such tract or allotment as required by 25 USC §2204, under the following conditions:
 - 1. Any Navajo Indian owning an undivided interest, and in actual use and possession of such tract for at least three consecutive (3) years preceeding the tribal offer, may purchase such tract by matching the Navajo Nation offer;
 - 2. If, at any time within five (5) years following the date of acquisition of such land by an individual under Section 3.2(a) (I), such property is offered for sale or a petition filed with the Bureau of Indian Affairs for removal of the property from trust or restricted status, the Navajo Nation shall have 90 days from the date it is notified of such offer or petition to acquire such property by paying to the owner the fair market value.

*Deleted language scoredout; new language underscored.

- B. The Navajo Nation may purchase at no less than fair market value part or all of the interests in any tract of trust or restricted land from willing sellers ~~of~~ and shall acquire pursuant to the Indian Land Consolidation Act* any de minimis undivided fractionated interests in allotments subject to the escheat provision of the Indian Land Consolidation Act (25 USC §2206).
- C. All sales which comply with Federal law shall be approved by the Bureau of Indian Affairs. Appeal of Bureau of Indian Affairs actions shall be pursuant to Title 25 Code of Federal Regulations, Part 2.

Section 504. Land Transactions

- A. It is hereby declared that the acquisition by the Navajo Nation of trust allotments or of interests in trust allotments within the land specified consolidation area described in Section 502 above* is required in the public interest and constitutes a public purpose under Navajo law and this Act.
- B. Upon the approval of the Chairman of the Navajo Tribal Council or his duly authorized delegate and notwithstanding any provision of Navajo law to the contrary, the United States is authorized and directed to accept deeds of trust allotments or interests in trust allotments from ~~such/deeds/having/been executed/by~~ any allottee or heir who owns any interest in such allotment and who has ~~having*~~ deeded such allotment or interest in such allotment or portion thereof to the United States in trust for the Navajo Tribe of Indians.
- C. No taxes shall be paid by the Navajo Nation on any lands acquired pursuant to this section, and the requirements of Sections 5 and 7-10 (inclusive) of Title 16 of the Navajo

*Deleted language scoredout; new language underscored.

Tribal Code shall not apply to any acquisitions of trust allotments or of interests in trust allotments under this section. Provided, that the requirements of Sections 7-10 (inclusive) of Title 16 of the Navajo Tribal Code shall be followed for any acquisition of a trust allotment or any interest in a trust allotment under subsection B of this section where the consideration for such trust allotment or such interest in such trust allotment to be acquired is demanded or proposed to be paid and exceeds \$200.00.

Section 505. Administrative Rules and Regulations

The Director of the Office of Navajo Land Administration may, with the approval of the Resources Committee of the Navajo Tribal Council, promulgate regulations governing the implementation of the provisions of this plan.

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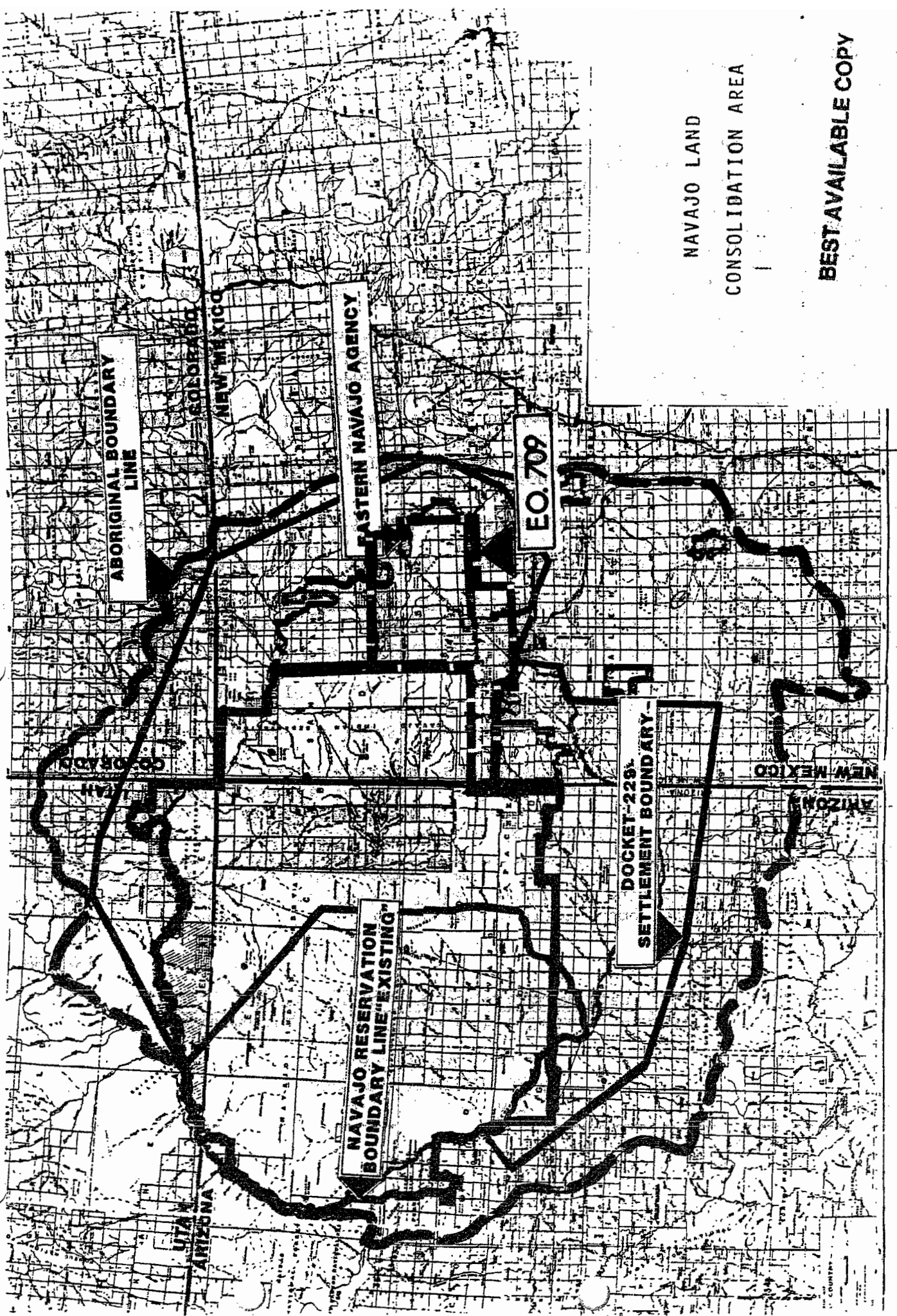


FIGURE "A"

Class "C" Resolution
No BIA Action Required

RESOLUTION OF THE
ADVISORY COMMITTEE OF THE
NAVAJO TRIBAL COUNCIL

Recommending to the Navajo Tribal Council, Adoption
of the Navajo Land Consolidation Plan

WHEREAS:

1. Pursuant to Title 2 of the Navajo Tribal Code, Section 341(b)(3), the Advisory Committee of the Navajo Tribal Council is authorized to recommend legislation to the Navajo Tribal Council; and

2. By Resolution ACOM-115-87, the Advisory Committee of the Navajo Tribal Council directed the Department of Justice of the Navajo Nation and the Navajo Division of Resources to develop a Navajo Land Consolidation Plan for adoption by the Navajo Tribal Council as soon as possible; and

3. On February 6, 1988, the Eastern Navajo Council adopted a resolution (attached hereto as Exhibit "B") which supports the concept of the Navajo Land Consolidation Plan; and

4. On March 9, 1988, the Resources Committee of the Navajo Tribal Council approved a resolution (attached hereto as Exhibit "B") recommending adoption of the Navajo Land Consolidation Plan by the Navajo Tribal Council; and

5. The Eastern portion of the Navajo Indian Reservation is composed of a complex mixture of Indian trust, allotment, state, federal and private lands situated in a "Checkerboard" fashion within Northwestern New Mexico; and

6. In 1983, Congress enacted the Indian Land Consolidation Plan Act (January 13, 1983; P.L. 97-459, Title II; 96 Stat. 2517; amended October 30, 1984; P.L. 98-608; 98 Stat. 3171, codified at 25 U.S.C. 2201, et seq.) to consolidate ownership of Indian land into a uniform block. The Indian Finance Act (April 12, 1974; P.L. 93-262, Title I; 88 Stat. 78, codified at 25 U.S.C. §1466 [1983]) and the Federal Property and Administration Services Act of 1949, as amended (codified at 40 U.S.C. §483(a) [Supp. 1987]), provide further authority for taking land and improvements into trust for the Navajo Nation; and

7. These Acts provide for, among other things, the promulgation of a Tribal land consolidation plan, approved by the Secretary of the Interior, to provide for consolidation of Indian land through exchange or purchase; to eliminate undivided fractional interests in tribal trust or allotted land situated in the designated consolidation area (25 U.S.C. 2203 [1987 Supp.]); and, to provide for the transfer of excess federal property in trust to the Navajo Nation. The Navajo Nation Department of Justice has drafted a Land Consolidation Plan to facilitate the acquisition and consolidation of lands for the use of the Navajo people in the Eastern Navajo Agency; and

8. The Navajo people desire to consolidate the "checkerboard" pattern of land tenure in the Eastern portion of the Navajo Indian Reservation and the Eastern Navajo Agency for the use of the Navajo people; and

9. The Navajo Land Consolidation Plan, attached hereto as Exhibit "A", will serve the best interests of the Navajo Nation and should be adopted; and

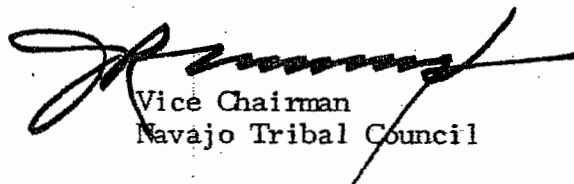
10. Since February 1988, the Navajo Nation has presented the draft Navajo Land Consolidation Plan to various chapters and Navajo allottee organizations throughout the Eastern Navajo Agency. Based upon comments received from various Federal agencies, the Department of Justice of the Navajo Nation, and the general public, the Plan has been amended from time to time as described in Exhibit "C", attached hereto.

NOW THEREFORE BE IT RESOLVED THAT:

The Advisory Committee of the Navajo Tribal Council hereby recommends to the Navajo Tribal Council, the adoption of the Navajo Land Consolidation Plan (Plan), attached hereto as Exhibit "A" and incorporated herein by this reference, and places the proposed Plan on the Spring 1988 Navajo Tribal Council Agenda for consideration.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Advisory Committee of the Navajo Tribal 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 13 in favor and 0 opposed, this 19th day of April, 1988.


Vice Chairman
Navajo Tribal Council

NAVAJO LAND CONSOLIDATION PLAN

1.0 Purpose of Plan

The purpose of the Navajo Land Consolidation Plan is to provide additional authority to consolidate and augment the Navajo land base, in accordance with the provisions of the Indian Land Consolidation Act, 25 U.S.C. §§2201, et. seq. (ILCA). The Indian Finance Act (April 12, 1974; P.L. 93-262, Title I; 88 Stat 78, codified at 25 USC §1466 [1983]), the Federal Property and Administration Services Act of 1949, as amended (codified at 40 USC §483(a) [Supp. 1987]), and Section 5 of the Navajo and Hopi Indian Rehabilitation Act of 1950, as amended (codified at 25 USC §635) provide further authority for taking land and improvements into trust for the Navajo Nation under this Plan. Acquisitions of land under this plan shall conform to the policies, priorities, and procedures of Chapter 1, Title 16 of the Navajo Tribal Code, unless otherwise expressly stated in this Plan or any amendment thereto approved by the Navajo Tribal Council or its duly authorized Committee. Lands so acquired will be administered for economic, industrial, residential, recreation, and other purposes as set forth by the Navajo Tribal Council and its duly authorized Committees.

2.0 Land Consolidation Area

The land acquisition and consolidation area is located within the boundaries depicted in Figure "A," which includes all lands, including federally administered and public domain lands, within:

- A. the boundaries of the Navajo Reservation;
- B. Navajo "Indian Country" as defined by 18 U.S.C. § 1151;
- C. the aboriginal land area of the Navajo Tribe of Indians, as established by the Indian Claims Commission;

- D. the counties of McKinley, San Juan, Sandoval, Cibola, Bernalillo, Socorro, and Valencia in the State of New Mexico; and
- E. such other lands as designated on the map attached hereto as Figure "A."

Any land consolidation plans approved previously by the Bureau of Indian Affairs for the satellite Reservations of Alamo, Canoncito, and Ramah shall be deemed to be incorporated herein, and may be amended by the Navajo Tribal Council or its duly authorized Committee.

3.0 Operational Policy and Procedure

- A. Tracts and properties within the land consolidation area will be continually monitored to identify available acquisitions. Close contact will be maintained with Bureau of Indian Affairs, Navajo Area, Branch of Agency Realty personnel for identification of individual allotted and restricted heirship lands or minerals or water rights, with the Navajo Nation's preferential rights being exercised during the sale process.
- B. Specific proposals for acquisition and consolidation will be developed by the Resources Committee of the Navajo Tribal Council, with the assistance of the Navajo Division of Resources and the Department of Justice of the Navajo Nation. The Resources Committee will recommend to the Navajo Tribal Council resolutions for final action, and to authorize the Bureau of Indian Affairs to accomplish any federal actions needed to effect such transaction.
- C. An interest bearing account, known as the "Tribal Land Consolidation Account," shall be established under the supervision of the Director of the Navajo Office of Financial Services as a separate account of the Navajo Division of Resources. All proceeds derived from transactions of tribal land consolidations shall be deposited into this account and utilized only for the purposes of land consolidation.

- D. An appraisal of value will be developed in accordance with the established standards of the appraisal profession by the Office of Navajo Land Administration and utilized as a guide in all acquisitions, disposals, exchanges, and other proposals for land consolidation. The Navajo Tribal Code and all applicable provisions of the Code of Federal Regulations (25 C.F.R. Part 151-Land Acquisitions) shall be followed.

3.1 Purchase, Sale, or Exchange of Interests

The Navajo Tribal Council or its duly authorized Committee, upon recommendation of the Resources Committee, may sell, exchange, purchase, or acquire any Tribal trust or restricted or unrestricted lands, or interests in such lands for the purpose of eliminating undivided fractional interests in Navajo Tribal trust or restricted lands, or consolidation of Tribal land holdings. Any such purchase, sale, or exchange shall conform to the following conditions:

- A. The sale price paid or exchange value received by the Navajo Nation for land or interests in land covered by this section shall deviate by no more than ten per centum (10%) of the fair market value;
- B. If the Navajo Nation land involved in an exchange is of greater or lesser value than the land for which it is being exchanged, the Navajo Nation may accept the land exchange or give or receive cash in such exchange to equalize the values of the property exchanged;
- C. Proceeds from the sale of land or interests in land or proceeds received by the Tribe to equalize an exchange made pursuant to this section shall be deposited in the Navajo Tribal Land Consolidation Account and additional monies may be deposited in said account as authorized by the Navajo Tribal Council;
- D. The Navajo Nation may reserve the mineral and water rights to such sold or exchanged land.

E. The Navajo Nation may purchase less than the whole estate.

3.2 Purchase of Undivided Fractional Interests

A. The Navajo Nation may purchase at no less than fair market value all of the surface interests of any tract of trust or restricted land within the Navajo Reservation or otherwise consistent with the Navajo Nation's jurisdiction with the consent of the majority of the owners of such tract or allotment as required by 25 USC §2204, under the following conditions:

1. Any Navajo Indian owning an undivided interest, and in actual use and possession of any part of such tract for not less than three consecutive (3) years preceeding the Tribal initiative offer, may purchase such tract by matching the Navajo Nation offer;
2. If, at any time within five (5) years following the date of acquisition of such land by an individual under Section 3.2(a) (1), such property is offered for sale or a petition is filed with the Bureau of Indian Affairs for removal of the property from trust or restricted status, the Navajo Nation shall have 90 days from the date it is notified of such offer or petition to acquire such property by paying to the owner the fair market value.

B. The Navajo Nation may purchase at no less than fair market value part or all of the interests in any tract of trust or restricted land from willing sellers or any de minimis undivided fractionated interests in allotments subject to the escheat provision of the Indian Land Consolidation Act (25 USC §2206).

C. All sales which comply with Federal law shall be approved by the Bureau of Indian Affairs. Appeals of Bureau of Indian Affairs actions shall be pursuant to Title 25 Code of Federal Regulations, Part 2.

4.0 Land Transactions

- A. It is hereby declared that the acquisition by the Navajo Nation of trust allotments or of interests in trust allotments within the consolidation area specified by the Navajo Land Consolidation Plan is required in the public interest and constitutes a public purpose under Navajo law and under the Navajo Land Consolidation Act.
- B. Upon the approval of the Chairman of the Navajo Tribal Council or his duly authorized delegate and notwithstanding any provision of Navajo law to the contrary, the United States is authorized and directed to accept deeds of trust allotments or interests in trust allotments, such deeds having been executed by any allottee or heir who owns any interest in such allotment and having deeded such allotment or interest in such allotment or portion thereof to the United States in trust for the Navajo Tribe of Indians.

5.0 Administrative Rules and Regulations

The Director of the Office of Navajo Land Administration may, subject the approval by the Resources Committee of the Navajo Tribal Council, promulgate regulations governing the implementation of the provisions of this Navajo Land Consolidation Plan.

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RESOLUTION OF THE
RESOURCES COMMITTEE OF THE
NAVAJO TRIBAL COUNCIL

Recommending the Adoption of the
Navajo Land Consolidation Plan

WHEREAS:

1. Pursuant to Advisory Committee Resolution ACMA-35-84, the Resources Committee of the Navajo Tribal Council is authorized "to review and recommend to the Advisory Committee, prior to formal adoption, all actions which may involve disposition of resources, surface disturbance, or alteration of the natural state of the resources"; and

2. On February 6, 1988, the Eastern Navajo Council adopted a resolution which supports the concept of the Navajo Land Consolidation Plan, as further described in Exhibit "B"; and

3. By Resolution ACMY-115-87, the Advisory Committee of the Navajo Tribal Council directed the Department of Justice of the Navajo Nation and the Navajo Division of Resources to develop a Navajo Land Consolidation Plan for adoption by the Navajo Tribal Council as soon as possible; and

4. The Eastern portion of the Navajo Indian Reservation is composed of a complex mixture of Indian trust, allotment, state, federal and private lands situated in a "checkerboard" fashion within Northwestern New Mexico; and

5. In 1983, Congress enacted the Indian Land Consolidation Act (January 13, 1983: P.L. 97-459, Title II; 96 Stat. 2517; amended October 30, 1984; P.L. 98-608; 98 Stat. 3171, codified at 25 U.S.C. 2201, et seq.) to consolidate ownership of Indian land into a uniform block. The Indian Finance Act (April 12, 1974; P.L. 93-262, Title I; 88 Stat 78, codified at 25 USC §1466 [1983]) and the Federal Property and Administration Services Act of 1949, as amended (codified at 40 USC §483 (a) [Supp. 1987]), provide further authority for taking land and improvements into trust for the Navajo Nation; and

6. These Acts provide for, among other things, the promulgation of a Tribal land consolidation plan, approved by the Secretary of the Interior, to provide for consolidation of Indian land through exchange or purchase; to eliminate undivided fractional interests in tribal trust or allotted land situated in the designated consolidation area (25 U.S.C. 2203 [1987 Supp.]); and, to provide for the transfer of excess federal property in trust to the Navajo Nation. The Navajo Nation Department of Justice has drafted a Land Consolidation Plan to facilitate the acquisition and consolidation of lands for the use of the Navajo people in the Eastern Navajo Agency; and

7. The Navajo people desire to consolidate the "checkerboard" pattern of land tenure in the Eastern portion of the Navajo Indian Reservation and the Eastern Navajo Agency for the use of the Navajo people; and

8. The Navajo Land Consolidation Plan, attached hereto as Exhibit "A", will serve the best interests of the Navajo Nation and should be adopted.

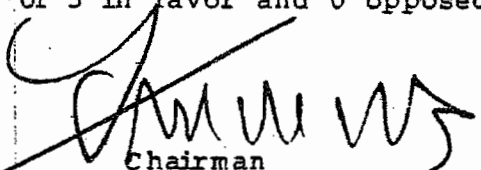
NOW THEREFORE BE IT RESOLVED THAT:

1. The Resources Committee of the Navajo Tribal Council hereby approves the Navajo Land Consolidation Plan attached hereto as Exhibit "A".

2. The Resources Committee of the Navajo Tribal Council hereby recommends that the Navajo Tribal Council and the Advisory Committee of the Navajo Tribal Council adopt the Navajo Land Consolidation Plan attached hereto as Exhibit "A".

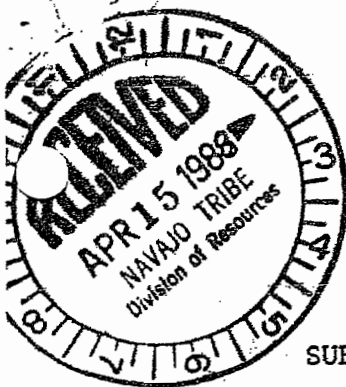
C-E-R-T-I-F-I-C-A-T-I-O-N

I hereby certify that the foregoing resolution was duly considered by the Resources Committee of the Navajo Tribal 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 5 in favor and 0 opposed, this 9th day of March, 1988.


Chairman
Resources Committee

MOTIONED: Elmer L. Milford
SECONDED: Robert E. Ahkeah

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ENAJLB-03-88
(March 31, 1988)

RESOLUTION OF THE
EASTERN NAVAJO JOINT LAND BOARD

SUBJECT: Recommending Adoption of the Navajo Land Consolidation Plan

WHEREAS:


1. The District Land Boards were created by Advisory Committee Reservation No. ACS-144-59, dated September 23, 1959 and adopted a Plan of Operation for Eastern Navajo Agency Land Boards by resolution No. ACAU-103-84, dated August 23, 1984; and
2. The Eastern Navajo Joint Land Board is empowered by the Navajo Tribal Council to voice concerns on behalf of the Navajo people in Eastern Navajo Checkerboard area; and
3. The eastern portion of the Navajo Indian Reservation is composed of a complex mixture of Indian trust, allotment, state, federal and private lands situated in a "checkerboard" fashion within northwestern New Mexico; and
4. In 1983, Congress enacted the Indian Land Consolidation Act (January 13, 1983; P.L. 97-459, Title II, 96 Stat. 2517; amended October 30, 1984; P.L. 98-608; 98 Stat. 3171, codified at 25 U.S.C. 2201, et seq.) to consolidate ownership of Indian land into a uniform block. The Indian Finance Act (April 12, 1974; P.L. 93-262, Title I, 88 Stat. 78, codified at 25 USC 1466 [1983] and the Federal Property and Administration Services Act of 1949, as amended (codified at 40 USC 483 (a) [Supp. 1987], provides further authority for taking land and improvements into trust for the Navajo Nation; and
5. These Acts provide for, among other things, the promulgation of a Tribal land consolidation plan, approved by the Secretary of the Interior, to provide for consolidation of Indian land through exchange or purchase; to eliminate undivided fractional interests in tribal trust or allotted land situated in the designated consolidation area (25 U.S.C. 2203 [1987 Supp.]); and, to provide for the transfer of excess federal property in trust to the Navajo Nation. The Navajo Nation Department of Justice has drafted a Land Consolidation Plan to facilitate the acquisition and consolidation of lands for the use of the Navajo people in Eastern Navajo Agency; and
6. The Navajo people desire to consolidate the "checkerboard" pattern of land tenure in the eastern portion of the Navajo Indian Reservation and the Eastern Navajo Agency for the use of the Navajo people; and
7. The Navajo land Consolidation Plan, attached hereto as Exhibit A, will serve the best interests of the Navajo Nation and should be adopted.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Eastern Navajo Joint Land Board hereby approves the Navajo Land Consolidation Plan attached hereto as Exhibit A;
2. The Eastern Navajo Joint Land Board recommends that the Navajo Tribal Council adopt the Navajo Land Consolidation Plan attached hereto as Exhibit A.

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 Abie Francisco, District 16 Land Board, and seconded by George E. Yazzie, District 19 Land Board, and was thoroughly discussed and adopted by a vote of 19 in favor and 0 opposed, at the regularly called meeting of the Eastern Navajo Joint Land Board held at Crownpoint, New Mexico on this 31th day of March 1988.


Chairman, Eastern Navajo Agency
Joint Land Board

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Executive Office of the
EASTERN NAVAJO COUNCIL
THE NAVAJO TRIBE OF INDIANS

Post Office Box 328
CROWNPOINT, NEW MEXICO 87313

MAR 08 1988

NAVAJO AREA Office
 DEPT. OF REAL PROPERTY MGMT.

ENA-Feb-88-92

RESOLUTION OF THE EASTERN NAVAJO COUNCIL

Supporting the Concept of a Land Consolidation Plan and Requesting Navajo Nation to work on a Land Consolidation Plan and Report the Final Plan to Eastern Navajo Council for Adoption.

WHEREAS:

1. Eastern Navajo Council is composed of chapter officials, land board members, and council delegates from thirty one (31) Navajo chapters within Eastern Navajo Agency;
2. Eastern Navajo Council is the representative voice of the thirty one (31) chapters;
3. The eastern portion of the Navajo Indian Reservation is composed of a complex mixture of Indian trust, allotment, state, federal, and private land situated in a "checkerboard" fashion within Northwestern New Mexico;
4. In 1983, Congress enacted the Indian Land Consolidation Act (January 13, 1983; P.L. 97-459, Title II; 96 Stat. 2517; amended October 30, 1984; P.L. 98-608; 98 Stat. 3171, codified at 25 U.S.C. 2201, et seq.) to consolidate ownership of Indian land into a uniform block. The Indian Finance Act (April 12, 1974; P.L. 93-262, Title I; 88 Stat. 78, codified at 25 U.S.C. §1466 [1983] and the Federal Property and Administration Service Act of 1949, as amended (codified at 40 U.S.C. §483 (a) (2) [Supp. 1987])). provide further authority for taking land and improvements into trust for the Navajo Nation;
5. These Acts provide for, among other things, the promulgation of a tribal land consolidation plan, approved by the Secretary of the Interior, to provide for consolidation of Indian land through exchange or purchase; or, for purposes of eliminating undivided fractional interests in tribal trust or allotted land situated in the designated consolidation area (25 U.S.C. 2203 [1987 Supp.]); and, to provide for the transfer of excess federal property in trust to the Navajo Nation. The Navajo Nation Department of Justice has drafted a Land Consolidation Plan to facilitate the acquisition and consolidation of Navajo lands in the Eastern Navajo Agency;
6. The Navajo people desire to consolidate the "checkerboard" pattern of land tenure in the eastern portion of the Navajo Indian Reservation and the Eastern Navajo Agency;
7. A Navajo Land Consolidation Plan would serve the best interests of the Navajo Nation and Eastern Navajo Agency;

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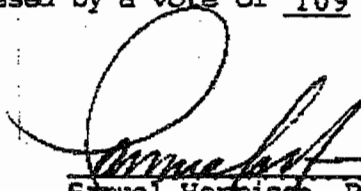
NOW, THEREFORE BE IT RESOLVED THAT:

1. Eastern Navajo Council, as the representative voice of the Navajo People living within Eastern Navajo Agency, hereby supports the concept of a Navajo Land Consolidation Plan;

2. The Eastern Navajo Council requests the Navajo Nation to hold at least four public hearings to explain to and for input from the Navajo public;
3. Navajo Nation present the final Land Consolidation Plan to Eastern Navajo Council for approval and adoption.

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

WE HEREBY CERTIFY that the foregoing resolution was considered by the Eastern Navajo Council at a duly called meeting at Crownpoint, Navajo Nation (NM) at which a quorum was present and that the same was passed by a vote of 109 in favor and 0 opposed, this 6th day of February, 1988.



Samuel Harrison, President
Eastern Navajo Council

Motion: Ernest Becenti
Second: Irvin Chavez

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AMENDMENT OF DRAFT PROPOSED
NAVAJO LAND CONSOLIDATION PLAN

NOTE: Deleted language scored out; New language underscored

NAVAJO LAND CONSOLIDATION PLAN1.0 Purpose of Plan

The purpose of the Navajo Land Consolidation Plan is to provide additional authority to consolidate and augment the Navajo land base, in accordance with the provisions of the Indian Land Consolidation Act, 25 U.S.C. §§2201, et. seq. (ILCA). ~~The ILCA allows for acquisition of lands through purchase, exchange, or donation, and provides authority to consolidate lands or interests in lands by sale, exchange, and by the "escheat" of de minimis interests in allotments to the Navajo Nation.~~ The Indian Finance Act (April 12, 1974; P.L. 93-262, Title I; 88 Stat 78, codified at 25 USC §1466 [1983]), the Federal Property and Administration Services Act of 1949, as amended (codified at 40 USC §483(a) [Supp. 1987]), and Section 5 of the Navajo and Hopi Indian Rehabilitation Act of 1950, as amended (codified at 25 USC §635) provide further authority for taking land and improvements into trust for the Navajo Nation under this Plan. Acquisitions of land under this plan shall conform to the policies, priorities, and procedures of Chapter 1, Title 16 of the Navajo Tribal Code, unless otherwise expressly stated in this Plan or any amendment thereto approved by the Navajo Tribal Council or its duly authorized Committee. Lands so acquired will be administered for economic, industrial, residential, recreation, and other purposes as set forth by the Navajo Tribal Council and its duly authorized Committees.

2.0 Land Consolidation Area

The land acquisition and consolidation area is located within the boundaries depicted in Figure "A," which includes all lands, including federally administered and public domain lands, within the boundaries of the Navajo Reservation, all lands in Navajo "Indian Country" as defined in 18

U.S.C. § 1151, and lands within the aboriginal lands of the Navajo Tribe of Indians, as established by the Indian Claims Commission:

1/A. the boundaries of the Navajo Reservation;

2/B. Navajo "Indian Country" as defined by 18 U.S.C. § 1151;

3/C. the aboriginal land area of the Navajo Tribe of Indians, as established by the Indian Claims Commission;

4/D. the counties of McKinley, San Juan, Sandoval, Cibola, Bernalillo, Socorro, and Valencia in the State of New Mexico; and

5.////Navajo allotments and other lands proximate thereto situated in the States of Utah and Arizona.

E. such other lands as designated on the map attached hereto as Figure "A."

Any land consolidation plans approved previously by the Bureau of Indian Affairs for the satellite Reservations of Alamo, Canoncito, and Ramah shall be deemed to be incorporated herein, and may be amended by the Navajo Tribal Council or its duly authorized Committee pursuant to Section 6 of this Plan.

3.0 Operational Policy and Procedure

A. Monitoring of Tracts and properties within the land consolidation area will be on a continual basis for identify of continually monitored to identify available acquisitions. Close contact will be maintained with Bureau of Indian Affairs, Navajo Area, Branch of Agency Realty personnel for identification of individual allotted and restricted heirship lands or minerals or water rights, with the Navajo Nation's preferential rights being exercised during the sale process.

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B. Specific proposals for acquisition and consolidation will be developed by the Resources Committee of the Navajo Tribal Council, ~~which shall obtain the recommendation~~ with the assistance of the Navajo Division of Resources and the Department of Justice of the Navajo Nation. The Resources Committee will recommend to the ~~full~~ Navajo Tribal Council ~~for enactment of a resolution to authorize~~ resolutions for final action, and to authorize the Bureau of Indian Affairs to accomplish any federal actions needed to effect such transaction.

C. An interest bearing account, known as the "Tribal Land Consolidation Account," shall be established under the supervision of the Director of the Navajo ~~Division of Resources~~ Office of Financial Services as a separate account of the Navajo Division of Resources. All proceeds derived from transactions of tribal land consolidations shall be deposited into this account and utilized only for the purposes of land consolidation.

D. An appraisal of value will be developed ~~by the Bureau of Indian Affairs~~ and in accordance with the established standards of the appraisal profession by the Office of Navajo Land Administration and utilized as a guide in all acquisitions, disposals, exchanges, and other proposals for land consolidation. The Navajo Tribal Code and all ~~relevant~~ applicable provisions of the Code of Federal Regulations (25 C.F.R. Part 151-Land Acquisitions) shall be followed.

E. ~~Title to Mutual-Help house sites will be transferred to the individual occupant of the house upon certification from the Navajo Housing Authority when all obligations of the grantee have been satisfactorily completed. In General Form Deed will be executed, excepting all mineral interests, utilizing legal descriptions from surveys provided by the Navajo Housing Authority, with all cost of abstracting to be borne by the grantee. Applications for restricted to Trust title will be taken from qualified grantees. No further Tribal Lands will be used for Mutual-Help homesites unless those~~

Mutual-Help/Homesites/are/in/the/areas/designated/in/the/Plan/for
Disposal.

F. // The monies collected by the Navajo Housing Authority and paid to the Bureau of Indian Affairs shall be considered as just compensation for each individual house site and a like amount for each acre in excess of one (1) acre/lot. // This shall apply to all sites covered by leases approved prior to //////////. // Following this date, values will be determined on an individual site basis as determined by current Fair Market Appraisals provided by the Bureau of Indian Affairs and Navajo Nation. // Such funds will be deposited or transferred into the "Tribal Land Consolidation Account."

3.1 Purchase, Sale, or Exchange of Interests

The Navajo Tribal Council or it duly authorized Committee, upon recommendation of the Resources Committee, may sell, exchange, purchase, or acquire any Tribal trust or restricted or unrestricted lands, or interests in such lands for the purpose of eliminating undivided fractional interests in Navajo Tribal trust or restricted lands, or consolidation of Tribal land holdings. Any such purchase, sale, or exchange shall conform to the following conditions:

- A. The sale price paid or exchange value received by the Navajo Nation for land or interests in land covered by this section shall ~~be no less than~~ deviate by no more than ten per centum (10%) of the fair market value ~~as determined by the Bureau of Indian Affairs;~~
- B. If the Navajo Nation land involved in an exchange is of greater or lesser value than the land for which it is being exchanged, the Navajo Nation may accept the land exchange or give or receive cash in such exchange ~~in order~~ to equalize the values of the property exchanged;
- C. ~~Any~~ Proceeds from the sale of land or interests in land or proceeds received by the Tribe to equalize an exchange made pursuant to this

section shall be ~~used exclusively for the purchase of other land or interests in land pursuant to section 3.1(b) of the plan~~ deposited in the Navajo Tribal Land Consolidation Account and additional monies may be deposited in said account as authorized by the Navajo Tribal Council;

D. The Navajo Nation may reserve the mineral and water rights to such sold or exchanged land. ~~and the Bureau of Indian Affairs shall assist the Navajo Nation in determining the value of such mineral and water rights and shall take such value into consideration in determining all fair market value of such lands~~

E. The Navajo Nation may purchase less than the whole estate.

3.2 Purchase of Undivided Fractional Interests

A. The Navajo Nation may purchase at no less than fair market value ~~part~~ of all of the surface interests of any tract of trust or restricted land within the Navajo Reservation or otherwise ~~subject to~~ consistent with the Navajo Nation's jurisdiction with the consent of the majority of the owners of such interests ~~/// All such purchases shall be consistent with the following conditions~~, tract or allotment as required by 25 USC §2204, under the following conditions:

1. Any Navajo Indian owning an undivided interest, and in actual use and possession of any part of such tract for ~~at least~~ not less than three consecutive (3) years preceeding the Tribal ~~initiative~~ offer, may purchase such tract by matching the Navajo Nation offer;

2. If, at any time within five (5) years following the date of acquisition of such land by an individual ~~pursuant to this section~~ under Section 3.2(a) (1), such property is offered for sale or a petition is filed with the Bureau of Indian Affairs for removal of the property from trust or restricted status, the Navajo Nation shall have 90 days from the date it is notified of

such offer or petition to acquire such property by paying to the owner the fair market value ~~as determined by the Bureau of Indian Affairs~~.

- B. The Navajo Nation may purchase at no less than fair market value part or all of the interests in any tract of trust or restricted land from willing sellers or any de minimis undivided fractionated interests in allotments subject to the escheat provision of the Indian Land Consolidation Act (25 USC §2206).
- C. All sales which comply with Federal law shall be approved by the Bureau of Indian Affairs. Appeals of Bureau of Indian Affairs actions shall be pursuant to Title 25 Code of Federal Regulations, Part 2.

~~C. All purchases and sales under this section shall be subject to approval by the Bureau of Indian Affairs.~~

4.0 Land Transactions

- A. It is hereby declared that the acquisition by the Navajo Nation of trust allotments or of interests in trust allotments within the consolidation area specified by the Navajo Land Consolidation Plan is required in the public interest and constitutes a public purpose under Navajo law and under the Navajo Land Consolidation Act.
- B. Upon the approval of the Chairman of the Navajo Tribal Council or his duly authorized delegate and notwithstanding any provision of Navajo law to the contrary, the United States is authorized and directed to accept deeds of trust allotments or interests in trust allotments, such deeds having been executed by any allottee or heir who owns any interest in such allotment and having deeded such allotment or interest in such allotment or portion thereof to the United States in trust for the Navajo Tribe of Indians.

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~~C. Any action to condemn trust allotments or interests in trust allotments within the consolidation area specified by the Navajo Land Consolidation Plan may be commenced by the Attorney General of the Navajo Nation Department of Justice in accordance with D.S. 101 § 3371.~~

D/ C. No taxes shall be paid by the Navajo Nation on any lands acquired pursuant to this section, and the requirements of Sections 5 and 7-10 (inclusive) of Title 16 of the Navajo Tribal Code shall not apply to any acquisitions of trust allotments or of interests in trust allotments under this section. Provided that, the requirements of Sections 7-10 (inclusive) of Title 16 of the Navajo Tribal Code shall be followed for any acquisition of a trust allotment or any interest in a trust allotment under subsection B of this section where the consideration for such trust allotment or such interest in such trust allotment to be acquired is demanded or proposed to be paid and exceeds \$200.00.

5.0 Administrative Rules and Regulations

The Director of the Office of Navajo Land Administration may, subject the approval by the Resources Committee of the Navajo Tribal Council, ~~establish~~ promulgate regulations governing the implementation of the provisions of ~~the~~ this Navajo Land Consolidation Plan.

~~6.111~~ Amendments

~~This Plan may be amended from time to time by the Advisory Committee of the Navajo Tribal Council, based upon an approved recommendation of the Resources Committee of the Navajo Tribal Council.~~

BEST AVAILABLE COPY

Earnest C. Becenti, Sr.
President

Ced Silbersmith, Jr.
Vice-President

Hurley Benally
Secretary/Treasurer

Resolution of the Churchrock Community Chapter **CC-88-03-02**

RECOMMENDING ADOPTION OF THE NAVAJO LAND CONSOLIDATION PLAN

WHEREAS:

1. The Churchrock Community Chapter is a duly certified chapter of the Navajo Nation; and
2. The eastern portion of the Navajo Indian Reservation is composed of a complex mixture of Indian trust, allotment, state, federal and private lands situated in a "checkerboard" fashion within north-western New Mexico; and
3. In 1983, Congress enacted the Indian Land Consolidation Act (January 13, 1983; PL 97-459, Title II; 96 Stat. 2517; amended October 30, 1984; PL 98-608 Stat. 3171, codified at 25 U.S.C. 2201, et seq.) to consolidate ownership of Indian Lands into a uniform block. The Indian Finance Act (April 12, 1974; PL 93-262, Title I; 88 Stat 78, codified at 25 USC 1466 (1983) and the Federal Property and Administration Services Act of 1949, as amended (codified at 40 USC 483(a) (Supp. 1987), provides further authorize for taking land and improvements into trust for the Navajo Nation; and
4. These acts provide for, among other things, the promulgation of a Tribal land consolidation plan, approved by the Secretary of the Interior, to provide for consolidation of Indian Land through exchange or purchase; to eliminate undivided fractional interests in tribal trust or allotted land situated in the designated consolidation area (25 U.S.C. 2203 (1987 Supp..1); and, and to provide for the transfer of excess federal property in trust to the Navajo Nation. The Navajo Nation Department of Justice has drafted a Land Consolidation Plan to facilitate the acquisition and consolidation of lands for the use of the Navajo people in the Eastern Navajo Agency; and
5. The Navajo People desire to consolidate the "checkerboard" pattern of land tenure in the eastern portion of the Navajo Nation Reservation and the Eastern Navajo Agency for the use of the Navajo people; and
6. The Navajo Land Consolidation Plan, attached hereto as Exhibit A, will serve the best interest of the Navajo Nation and should be adopted.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Churchrock Community Chapter hereby approves the Navajo Land Consolidation Plan attached hereto as Exhibit A.

BEST AVAILABLE COPY

2. The Churchrock Community Chapter recommends that the Navajo Tribal Council adopt the Navajo Land Consolidation Plan attached hereto as Exhibit A.

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

WE HEREBY certify that the foregoing resolution was considered by the Churchrock Community Chapter at a duly called meeting at Churchrock (Navajo Nation), New Mexico at which a quorum was present and that the same was passed by a vote of 72 in favor, and 00 opposed, this 17 day of April, 1988.

Ernest Becenti, Sr.
Ernest Becenti, Sr.,
Chapter President

Date

Ted Silversmith, Jr.
Ted Silversmith, Jr.,
Chapter Vice-President

Date

Harley Benally
Harley Benally,
Chapter Secretary/Treasurer

Date

Ernest Becenti, Jr.
Ernest Becenti, Jr.,
Council Delegate

Date

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WRC-88- 038

THE RESOLUTION OF THE
WHITE ROCK CHAPTER

Supporting the Land exchange Program between the Bureau
of Land Management and the Navajo Tribe.

WHEREAS:

1. The White Rock Chapter is a certified and recognized under the Navajo Tribal Government to deal and support of the various program such as land exchange; and

2. The White Rock Community is located both in the Navajo Reservation and the Checkerboard area in the Eastern Navajo Agency; and

3. Some of the White Rock Community people have been living and grazing on the Bureau of Land Management land for all their live; and

4. The CHeckerboard Land issue has brought many problems and conflicts between the Navajo and the Bureau of Land Management.

NOW, THEREFORE, IT BE RESLOVED THAT:

The White Rock Chapter hereby support the Land exchange between the BLM and the Navajo Tribe to settle some of the problems regarding the land status in the Eastern Agency.

CERTIFICATION

We, hereby, certify that the foregoing resolution was duly considered by the White Rock Chapter at special called chapter meeting which was held at White Rock, Navajo Nation, New Mexico at which a quorum was present and that the same was passed by a vote of 63 in favor and 0 opposed on this 24th day of March 1988.
by Virginia Henry and Motioned
by Ethel Jim seconded

Herbert Benally
Herbert Benally
President

Lucinda Henry
Lucinda Henry
Secretary

Juan Etcitty
Vice-President

Gilbert Roger
Gilbert Roger
Council Delegate

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RESOLUTION OF THE
CROWNPOINT CHAPTER

Resolved, that the Crownpoint Chapter hereby recommends the adoption of the Navajo Land Consolidation Plan attached hereto as Exhibit A, which was considered by the Chapter on _____ day of _____, 1983, in favor of _____ and _____.

WHEREAS:

1. The Crownpoint Chapter is a duly certified chapter of the Navajo Nation; and
2. The eastern portion of the Navajo Indian Reservation is composed of a complex mixture of Indian trust, allotment, state, federal and private lands situated in a "checkerboard" fashion within northwestern New Mexico; and
3. In 1983, Congress enacted the Indian Land Consolidation Act (January 13, 1983; P.L. 97-459, Title II; 96 Stat. 2517; amended October 30, 1984; P.L. 98-608; 98 Stat. 3171, codified at 25 U.S.C. 2201, et seq.) to consolidate ownership of Indian land into a uniform block. The Indian Finance Act (April 12, 1974; P.L. 93-262, Title I; 88 Stat. 78, codified at 25 USC §1466 [1983]) and the Federal Property and Administration Services Act of 1949, as amended (codified at 40 USC §483(a) [Supp. 1987]), provides further authority for taking land and improvements into trust for the Navajo Nation; and
4. These Acts provide for, among other things, the promulgation of a Tribal land consolidation plan, approved by the Secretary of the Interior, to provide for consolidation of Indian land through exchange or purchase; to eliminate undivided fractional interests in tribal trust or allotted land situated in the designated consolidation area (25 U.S.C. 2203 [1987 Supp.]); and, to provide for the transfer of excess federal property in trust to the Navajo Nation. The Navajo Nation Department of Justice has drafted a Land Consolidation Plan to facilitate the acquisition and consolidation of lands for the use of the Navajo people in the Eastern Navajo Agency; and
5. The Navajo people desire to consolidate the "checkerboard" pattern of land tenure in the eastern portion of the Navajo Indian Reservation and the Eastern Navajo Agency for the use of the Navajo people; and
6. The Navajo Land Consolidation Plan, attached hereto as Exhibit A, will serve the best interests of the Navajo Nation and should be adopted.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Crownpoint Chapter hereby approves the Navajo Land Consolidation Plan attached hereto as Exhibit A;
2. The Crownpoint Chapter recommends that the Navajo Tribal Council adopt the Navajo Land Consolidation Plan attached hereto as Exhibit A.

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CERTIFICATION

I hereby certify that the foregoing resolution was considered by the
Crowpoint Chapter at a duly called meeting at Crowpoint, New Mexico at which
a quorum was present and that the same was passed by a vote of _____ in favor
and _____ opposed, this _____ day of _____ 1988.

Chapter President

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HUERFANO CHAPTER

P. O. BOX 968, BLOOMFIELD, NEW MEXICO 87413

(505) 327-2929

RESOLUTION OF HUERFANO CHAPTER

Peter MacDonald-Chairman

Johnny R. Thompson-Vice Chairman

SUBJECT: HUERFANO CHAPTER'S RECOMMENDATION OF ADOPTING
THE NAVAJO LAND CONSOLIDATION PLAN.

WHEREAS:

Council Delegate
ANDREW SIMPSON

President
ERVIN CHAVEZ

Vice President
FRANK D. BLACKIE

Secretary-Treasurer
LAVERN EATON

Executive Chairperson
LOIS D. LEE

1. The Huerfano Chapter is composed of Navajo persons with interests in allotments or expectancies in allotments; and
2. The eastern portion of the Navajo Indian Reservation is composed of a complex mixture of Indian trusts, allotment, state, federal and private lands situated in a "checkerboard" fashion within northwestern New Mexico; and
3. In 1983, Congress enacted the Indian Land Consolidation Act (January 13 1983; P.L. 97-459, Title II; 96 Stat. 2517; amended October 30, 1984; P.L. 98-608; 98 Stat. 3171, codified at 25 U.S.C. 2201, et seq.) to consolidate ownership of Indian land into a uniform block. The Indian Finance Act (April 12, 1974; P.L. 93-262, Title I; 88 Stat. 78, codified at 25 U.S.C. §1466 [1983]) and the Federal Property and Administration Services Act of 1949, as amended (codified at 40 U.S.C. §483(a)[Supp. 1987]), provide further authority for taking land and improvements into trust for the Navajo Nation; and
4. These Acts provide for, among other things, the promulgation of a Tribal land consolidation plan, approved by the Secretary of the Interior to provide for consolidation of Indian land through exchange or purchase to eliminate undivided fractional interests in tribal trust or allotted land situated in the designated consolidation area (25 U.S.C. 2203 [1987 Supp.]); and, to provide for the transfer of excess federal property in trust to the Navajo Nation. The Navajo Nation Department of Justice has drafted a Land Consolidation Plan to facilitate the acquisition and consolidation of lands for the use of the Navajo people in the Eastern Navajo Agency; and
5. The Navajo people desire to consolidate the "checkerboard" pattern of land tenure in the eastern portion of the Navajo Indian Reservation and the Eastern Navajo Agency for the use of the Navajo people; and
6. The Navajo Land Consolidation Plan, attached hereto as Exhibit A, would serve the best interests of the Navajo Nation and should be adopted.

NOW THEREFORE BE IT RESOLVED THAT:

The Huerfano Chapter hereby approves the Navajo Land Consolidation Plan attached hereto as Exhibit A;

The Huerfano Chapter recommends that the Navajo Tribal Council adopt the Navajo Land Consolidation Plan attached hereto as Exhibit A.



NAVJO NATION

HUERFANO CHAPTER'S RECOMMENDATION OF ADOPTING THE NAVAJO LAND
CONSOLIDATION PLAN

Page 2


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


We hereby certify that the foregoing resolution was considered by the Huerfano Chapter at a duly called meeting at Huerfano, Navajo Nation, New Mexico, at which a quorum was present and a motion was made by Roy Simpson, seconded by Wilford Pete, and was adopted by a vote of 41 in favor and 0 opposed on this 6th day of March 1988.


President, Huerfano Chapter

Concurred by:


Council Delegate


Vice President, Huerfano Chapter


Secretary, Huerfano Chapter

BEST AVAILABLE COPY

RESOLUTION OF THE
PUEBLO PINTADO CHAPTER

Recommending Adoption of the
Navajo Land Consolidation Plan

WHEREAS:

1. The Pueblo Pintado Chapter is a duly certified chapter of the Navajo Nation; and

2. The eastern portion of the Navajo Indian Reservation is composed of a complex mixture of Indian trust, allotment, state, federal and private lands situated in a "checkerboard" fashion within northwestern New Mexico; and

3. In 1983, Congress enacted the Indian Land Consolidation Act (January 13, 1983; P.L. 97-459, Title II; 96 Stat. 2517; amended October 30, 1984; P.L. 98-608; 98 Stat. 3171, codified at 25 U.S.C. 2201, et seq.) to consolidate ownership of Indian land into a uniform block. The Indian Finance Act (April 12, 1974; P.L. 93-262, Title I; 88 Stat 78, codified at 25 USC §1466 [1983]) and the Federal Property and Administration Services Act of 1949, as amended (codified at 40 USC §483(a) [Supp. 1987]), provides further authority for taking land and improvements into trust for the Navajo Nation; and

4. These Acts provide for, among other things, the promulgation of a Tribal land consolidation plan, approved by the Secretary of the Interior, to provide for consolidation of Indian land through exchange or purchase; to eliminate undivided fractional interests in tribal trust or allotted land situated in the designated consolidation area (25 U.S.C. 2203 [1987 Supp.1]); and, to provide for the transfer of excess federal property in trust to the Navajo Nation. The Navajo Nation Department of Justice has drafted a Land Consolidation Plan to facilitate the acquisition and consolidation of lands for the use of the Navajo people in the Eastern Navajo Agency; and

5. The Navajo people desire to consolidate the "checkerboard" pattern of land tenure in the eastern portion of the Navajo Indian Reservation and the Eastern Navajo Agency for the use of the Navajo people; and

6. The Navajo Land Consolidation Plan, attached hereto as Exhibit A, will serve the best interests of the Navajo Nation and should be adopted.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Pueblo Pintado Chapter hereby approves the Navajo Land Consolidation Plan attached hereto as Exhibit A;

2. The Pueblo Pintado Chapter recommends that the Navajo Tribal Council adopt the Navajo Land Consolidation Plan attached hereto as Exhibit A.

CERTIFICATION

I hereby certify that the foregoing resolution was considered by the Pueblo Pintado Chapter at a duly called meeting at Pueblo Pintado, New Mexico at which a quorum was present and that the same was passed by a vote of 31 in favor and 0 opposed, this 6th day of March 1988.

Chapter President

Motivator Lee Charley Chen

Chapter President

Motion
subject to under
standing that
allotments are to
stay in "private sta
We agreed to
We must report this
to council.

mt. - ~~scribbles~~ ^{Luz} ~~scribbles~~ ^{Cayadito} ~~scribbles~~ ~~scribbles~~

Operational Policy and Procedure

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March 9, 1988

Mr. Frank Chee Willetto
President
Pueblo Pintado Chapter
c/o P.O. Box 1415
Growthpoint, New Mexico 87313

Re: Navajo Land Consolidation Plan

Dear Mr. Willetto:

In accordance with the resolution of the Pueblo Pintado Chapter and the views of the Chapter membership, I am confirming in writing the intention of the drafters of the Navajo Land Consolidation Plan that Navajo trust allotments shall generally remain in private ownership unless the allottees seek to sell or donate the allotment to the Navajo Nation, or unless the Navajo Nation obtains interests in allotments independently under other federal law. This letter shall become part of the legislative history, so that courts and administrative agencies may be guided in interpreting the Navajo Land Consolidation Plan in this regard.

Further, as a result of the questions raised by the Chapter membership, I am preparing a list of questions and answers about the Plan, which will also be included in the legislative history. These will be available at our meeting with the Navajo Allottees' Association.

Thank you for the courtesy extended by the Pueblo Pintado Chapter. Please advise if more is desired from me. I note that, as the Chapter desired, the draft Plan has been reviewed by Mr. Frye, who has suggested several minor changes which will be adopted.

Very truly yours,

Robert O. Allan

Robert O. Allan, Project Manager
Tri-party Organization
P.O. Drawer 2010
Window Rock, Arizona 86515
(602) 871 - 6931

cc: Mr. Sammie Jim, Vice-President
Mr. Herbert Antonio, Secretary-Treasurer
Mr. Billy Chiquito, Council Delegate

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QUESTIONS AND ANSWERS
About the Navajo Land Consolidation Plan

- Q. Why is the Navajo Land Consolidation Plan being considered?
- A. The Navajo Nation seeks to have an approved plan to conform to a federal law passed in 1983. We seek primarily to acquire lands owned by non-Indians, or the BLM, or the State of New Mexico in the Eastern Navajo Agency.
- Q. What benefits will the Navajo people get from the Navajo Land Consolidation Plan?
- A. Land use decisions within Navajo Indian country will be more easily made by Navajo Chapters and the Navajo Nation, not by non-Indians or agencies of the state governments who have generally displayed little interest in the long-term welfare of the Navajo people. Navajo people will not have to live with much of the uncertainty which results from development decisions which are made without Navajo input or discussion.
- Q. Does the Navajo Nation want to acquire my allotment?
- A. No. If the allottee wants to sell or give the land to the Tribe, the Office of Navajo Land Administration would assist the allottee in completing the transaction. Under very rare circumstances, the Navajo Nation may seek to acquire by condemnation a portion of an allotment, where the general Navajo public interest would be served by the acquisition.
- Q. Will this diminish the trust duty owed to the allottees by the United States?
- A. No. The allotment lands will still be held in trust pursuant to federal law.
- Q. Will passage of the Plan have any effect on mineral royalties which I get?
- A. No.
- Q. Will grazing fees go up if the Tribe acquires BLM land?
- A. Probably not, but grazing fees are subject to being raised by BLM or by the Navajo Nation, depending on costs and economic conditions.
- Q. Will the Plan allow the Navajo Nation to purchase allotment lands without paying a fair price?
- A. No. Unless lands are given to the Navajo Nation, fair market value is required to be paid.

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RESOLUTION OF EASTERN NAVAJO COUNCIL

Supporting the Bureau of Land Management's Farmington Resource Management Plan and Bureau of Land Management, Navajo Tribe, and Bureau of Indian Affairs' Agreement to Consolidate Lands Within Eastern Navajo Agency.

WHEREAS,

1. Eastern Navajo Council is composed of chapter officials, council delegates, land board members, and school board members; and is the representative voice for thirty one (31) chapters within Eastern Navajo Agency;
2. The eastern portion of the Navajo Indian Reservation is composed of a complex mixture of Indian trust, allotment, state, federal, and private lands situated in a "checkerboard" fashion within northwestern New Mexico;
3. In 1983, Congress enacted the Indian Land Consolidation Act to consolidate ownership of Indian lands into a uniform block. The Indian Finance Act of 1974 and the Federal Property and Administration Services Act of 1949 provide further authorities for taking lands and improvements into trust for the Navajo Nation;
4. These Acts provide for, among other things, the promulgation of a tribal land consolidation plan to provide for the consolidation of Indian lands through exchange or purchase; or, for purposes of eliminating undivided fractional interests in tribal trust or allotted land situated in the designated consolidation area; and to provide for the transfer of excess federal property in trust to the Navajo Nation.
5. The Navajo Nation Department of Justice has created a Land Consolidation Plan to facilitate the acquisition and consolidation of Navajo Lands in the Eastern Navajo Agency;
6. The Navajo people, through public hearings sponsored by Bureau of Land Management (BLM) and other public forums, have expressed their desires to consolidate the "checkerboard" pattern of land tenure in the eastern portion of the Navajo Indian Reservation and the Eastern Navajo Agency;
7. BLM has developed a Resource Management Plan (RMP) and has held various public hearings for public input;
8. BLM is now in the process of adopting the final RMP;

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lands which the Navajo People live on and or use for grazing purposes;

10. Land statuses within Eastern Navajo Agency is very complex as a result of United States government and other governmental and private entities assuming control over Navajo Indian lands within Eastern Navajo Agency since the 19th century;

11. BLM, Bureau of Indian Affairs (BIA), and the Navajo Nation have signed a tri-party agreement to work together in consolidating lands within Eastern Navajo Agency and to resolve jurisdictional conflicts;

12. Presently, Navajo Tribe and Eastern Navajo Council and its committees are devoting efforts to consolidate lands for the use by the Navajo People;

13. The city of Gallup has objected to the BLM's RMP as presented and other efforts by the Navajo Tribe, BIA, and BLM to consolidate lands within Eastern Navajo Agency for the use by the Navajo People;

14. The Navajo People have a long relationship with the city of Gallup and the Navajo People support the economy of the city of Gallup; and

15. Eastern Navajo Council calls upon the city of Gallup to support the RMP and efforts to consolidate lands within Eastern Navajo Agency.

THEREFORE, BE IT RESOLVED THAT:

1. Eastern Navajo Council hereby expresses its support of BLM's Farmington Resource Management Plan and its efforts to promote the beneficial use of public lands and requests for adoption of RMP;

2. Eastern Navajo Council hereby expresses its support for BLM, BIA, and the Navajo Tribe's efforts to resolve jurisdictional conflicts;

3. Eastern Navajo Council respectfully requests of the City of Gallup and our Non-Navajo neighbors to support BLM's Farmington Resource Management Plan;

4. Eastern Navajo Council respectfully requests of the City of Gallup and our Non-Navajo neighbors to support BLM, BIA, and Navajo Tribe's efforts to resolve jurisdictional conflicts;

5. Eastern Navajo Council respectfully requests of the City of Gallup and our Non-Navajo neighbors to support and acknowledge the present and historical occupancy and use by the Navajo People of lands located within

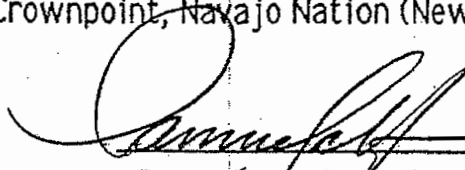
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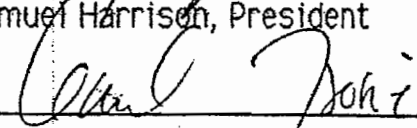
6. Eastern Navajo Council respectfully requests the Navajo Tribe, BIA, and BLM to continue working together to consolidate lands within Eastern Navajo Agency and to resolve jurisdictional conflicts; and

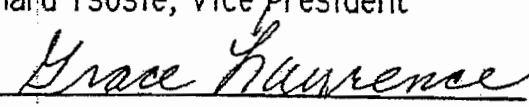
7. Eastern Navajo Council respectfully requests New Mexico congressional delegation to support BLM's Farmington Resource Management Plan; BLM, BIA, and Navajo Tribe's efforts to resolve jurisdictional conflicts; and to support and acknowledge the present and historical occupancy and use by the Navajo People of lands located within Eastern Navajo Agency.

CERTIFICATION

WE hereby certify that the foregoing resolution was duly considered and moved for adoption by YOUNG JEFF TOM and seconded by FRANK C. WILLETT, and the same was thoroughly discussed and adopted by a vote of 108 in favor with 0 opposed at a duly called agency council meeting at Crownpoint, Navajo Nation (New Mexico) on the 2 day of April, 1988.


Samuel Harrison, President


Leonard Tsosie, Vice President


Grace Laurence, Secretary

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**RESOURCES AND DEVELOPMENT COMMITTEE
23rd NAVAJO NATION COUNCIL**

FIRST YEAR 2015

COMMITTEE REPORT

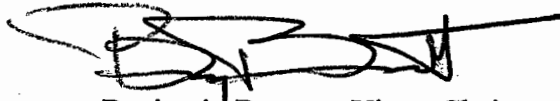
Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

Legislation # 0082-15: An Action Relating to Resources and Development Committee and Naabik'iyáti' Committee: Opposing a Fort Wingate Land Division. *Sponsor: Hon. Edmund Yazzie.*

Has had it under consideration and report the same with a **PASS** with the no amendment and thereafter referred to the Naabik'iyáti' Committee.

Respectfully submitted,



Benjamin Bennett, Vice - Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council

Date : March 26, 2015

Motion: Leonard Pete

Second: Davis Filfred

Vote : 3-1

(Vice-chair not voting)