



The 21st Navajo Nation Council

Contact: Alastair L. Bitsoi, Public Information Officer

Phone: (928) 871-7228

Cell: (928) 255-2943

Fax: (928) 871-7255

navajocouncil_pio@yahoo.com

www.navajonationcouncil.org

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FOR IMMEDIATE RELEASE

Intergovernmental Relations Committee passes memorandum of agreement for the proposed Twin Arrows Casino and Resort

WINDOW ROCK, Ariz. -- The Intergovernmental Relations Committee of the 21st Navajo Nation Council passed legislation approving a memorandum of agreement between the Navajo Nation and Office of Hopi and Navajo Indian Relocation for development of the proposed Twin Arrows Casino and Resort near Leupp, Ariz.

In an effort to meet the Navajo Nation Gaming Enterprise's vision to build the Twin Arrows Casino and Resort, Council Delegate Leonard Chee (Birdsprings/Leupp/Tolani Lake) sponsored legislation (Legislation No. 0250-10) requesting 432.5 acres of identified fee land into trust status.

"We have been able to identify and acquire 432.5 acres," Chee said. "How we propose to get the land is through the Navajo Hopi Settlement Act. We have full support from the Navajo Hopi Land Commission and also the Navajo Nation Gaming Enterprise."

In order for gaming development to occur the parcels of fee land need to be requested by the Navajo Hopi Land Commission through resolution to the Office of Hopi and Navajo Indian Relocation (OHNIR) who administers the Navajo Hopi Settlement Act. Thereafter, OHNIR may act on the resolution and will have fulfilled its obligation of the Navajo Hopi Settlement Act in consulting with the Navajo Nation for trust land status.

The US Secretary of Interior will not have the power or right to act according to his own judgment in granting trust land to tribes because land request is mandatory under the Navajo Hopi Settlement Act.

"The Navajo Nation Department of Justice has been active in drafting the MOA and providing the legal services to draft this legislation," added Chee. "Since we are getting the land under the Navajo Hopi Settlement Act, there are some provisions under the public law we need to comply with."

The two conditions of the Act and MOA are: OHNIR's final planning authority on business leases and the rental revenue benefits to Navajo relocatees who live on Hopi Partitioned Lands as of December 22, 1974.

Thus, OHNIR will have final planning authority on business leases for the entire 432.5 acres of land and will proceed according to the Navajo Nation Business Leasing Regulations of 2005.

Rental revenues generated from the business leases will be directed into the Navajo Nation Rehabilitation Trust Fund for the benefit of Navajo relocatees on Hopi Partitioned Lands – the Navajo Nation and OHNIR will negotiate the benefits in a separate agreement.

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"As to gaming revenues, I know many people are questioning why the relocatees are getting gaming revenues," Raymond Estitty, legal counsel for Navajo Nation Gaming Enterprise, said. "The relocatees are not getting gaming revenues because if we give them direct gaming revenues that is considered per capita, which we cannot do."

"Therefore, what they will be receiving is rental revenues from the business leases. As to the amount, that is premature," Estitty added. "We don't know what will be built out there and that largely depends on the input from the Budget and Finance Committee. The main purpose is to start the mandatory process of securing fee to trust land status for the Navajo Nation. We already have assurances from federal agencies to proceed."

As well, the Navajo Nation received an Indian Lands Opinion (on March 18) that the parcels of land qualifies for gaming under the Indian Gaming Regulatory Act.

According to the Navajo Hopi Settlement Act, the Navajo Nation cannot transfer more than 250,000 acres of Bureau of Land Management lands and it cannot exceed 150,000 acres in private lands into trust. These lands also need to be located 18 miles within the present Navajo boundaries, in order to be transferred into Navajo Nation trust land.

Chee's measure passed the committee, 9-0 and will go to President Joe Shirley to execute the MOA.

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