

Naa'biki'yati' Committee approves NDOT general warranty deed



The Navajo Transportation Complex located in Tse Bonito, N.M., was constructed on 85.6 acres of land that was exchanged with the New Mexico State Land Office on Nov. 27, 2012. The Navajo Division of Transportation purchased a 3.6 acre tract of land in Silver City (of equivalent value) and exchanged it with NMSLO. Legislation No. 0255-13 was approved by the Naa'biki'yati' Committee on Sept. 26 and authorizes President Shelly to sign the general warranty deed for the land to be held in trust for the Navajo Nation. (Photo by Rick Abasta)

WINDOW ROCK-Legislation No. 0255-13 was approved by the Naa'biki'yati Committee by a vote of 12-0 on Sept. 26, 2013.

Paulson Chaco, Navajo Division of Transportation director, said the legislation's passage was a good move for the Navajo Nation.

Chaco said, "We are moving quickly to take this land into trust for the benefit of the Navajo Nation."

The land exchange process was a true demonstration of government-to-government relations, he said, and that the land in Tse Bonito, N.M. will

also benefit the Navajo Nation with the potential for economic development.

A parcel of exchanged land adjacent to State Route 264 remains open for development.

Sponsored by delegate Walter Phelps (Bird Springs, Cameron, Coalmine Canyon, Leupp, Tolani Lake), the legislation approved and authorized Navajo Nation President Ben Shelly to sign the general warranty deed for 85.68 acres of land in Tse Bonito, to be held in trust for the Navajo Nation, pursuant to Public Law 93-531 and Public Law 96-305.

To expedite the process for

converting the land into trust, NDOT is utilizing the authorities of the Navajo Hopi Land Commission.

Phelps explained the land was exchanged with the state of New Mexico.

"NDOT acquired that land and the land is fee simple land right now," Phelps said. "We're in the process of taking the land into trust, using the Navajo Hopi Relocation Act, as amended."

On Nov. 27, 2012, the Indian Affairs Committee of the New Mexico Legislature convened at the State Capitol for a land exchange signing

ceremony between the Navajo Nation and the New Mexico State Land Office.

NDOT purchased 3.6 acres of land in Silver City, which was exchanged with the NMSLO for 85.6 acres of land in Tse Bonito. Both parcels of land were valued at \$200,000.

Initiating this land exchange process in March 2011 was N.M. Senator John Pinto's Senate Memorial 45, which requested the NMSLO to begin studying the land exchange with the Navajo Nation.

The memorial stated, "It may be in the best interests of the Navajo Nation to own the

land upon which the transportation center is to be located rather than to lease the land from the state.”

With the land exchange complete, NDOT has focused on taking the land into trust by the NHLC on behalf of the Navajo Nation.

NDOT will pay \$25,000 per year in rent to the NHLC.

Included in the agreement with the commission is the initial \$200,000 purchase price of the land in Silver City, a one-time payment of \$25,000 and the first year’s \$25,000 rental cost for a total of \$250,000.

The legislation reached the floor for debate.

One committee member did not think the arrangement was fair.

Delegate Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) raised the issue of NDOT being double charged by the commission for leasing the land.

“NDOT will be paying twice,” Benally said.

She said such costs would take away funding from the NDOT road projects.

“I don’t think NDOT should be paying twice for the purchase of the land and then trying to lease it out again. That’s ridiculous,” Benally said.

Her colleague Dwight Witherspoon (Black Mesa, Forest Lake, Hard Rock, Pinnon, Wipoorwill) countered that the NHLC’s first year payment of \$250,000 was still less than the \$260,000 in taxes that could be imposed by N.M. if the land was not taken into trust.

“We as a Commission, have a responsibility that in any of our future land purchases, we want to try to select for potential economic development so we can try to assist those families, individuals and communities that have been impacted by relocation,” Witherspoon said.

Leonard Tsosie (Baca-Pre-witt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) likened the insistence on rent as “a double shakedown.”

He admitted that the complications to take the land into trust could have easily been averted by constructing the building upon tribal lands to begin with.

“See, the bad way of doing it started when somebody planned the NDOT building over there. That should have been built in Window Rock, I don’t know why they did that,” Tsosie said. “But that was in the days before Mr. Chaco.”

He said members of the NHLC shouldn’t view their authority as being landlords over the money, but rather, looking at the process for the benefit of all Navajos.

“I’d like to use the Relocation Act to buy some lands in Colorado, south of Fort Lewis College, so we could build college dorms for Navajo kids,” Tsosie said.

Benally proposed an amendment to the legislation to cap the \$25,000 annual rental fee for a period of 10 years, but was voted down by 5-7.

Witherspoon, who also sits on the NHLC, said the rent was fair deal and that the commission was benefitting the Navajo Nation \$2.3 million over a 10-year period.

He maintained the funds would benefit people impacted by relocation.

The same day, the committee also approved Legislation No. 0268-13, which was for approval of the Intergovernmental Agreement between the Navajo Nation and San Juan County, N.M. for the road maintenance and road improvement projects.

The legislation passed again with a vote of 12-0.



Council delegate Walter Phelps sponsored the legislation. Joining him during the presentation was NDOT director Paulson Chaco and DOJ attorney Karis Begay. (Photo by Rick Abasta)



Left, delegate Leonard Tsosie said the Navajo Hopi Land Commission’s plans to charge NDOT rent in the amount of \$25,000 per year was a “double shakedown.” Right, Delegate Dwight Witherspoon disagreed and said the Commission’s efforts would save the Navajo Nation over \$2.5 million in the long run. (Photo by Rick Abasta)



Resources and Development Chairwoman Katherine Benally disagreed with rental provisions in the legislation and said NDOT would be getting double charged, although they originally purchased the land that was exchanged with the state of New Mexico. (Photo by Rick Abasta)