



**NAVAJO-HOPI LAND COMMISSION OFFICE  
(NHLCO)**

**Wenona Benally, Executive Director**  
**Telephone: (928) 871-6441**  
**Email: [wbenally@navajo-nsn.gov](mailto:wbenally@navajo-nsn.gov)**

**FY 2016 Second Quarter Report**  
**(January, February, March 2016)**

**TABLE OF CONTENTS**

	<u>Page No.</u>
<b>I. EXECUTIVE SUMMARY</b>	<b>2</b>
<b>II. CRITICAL ISSUES</b>	<b>2</b>
<b>III. PROJECT STATUS</b>	<b>2</b>
<b>IV. BUDGET STATUS</b>	<b>6</b>
<b>V. OPERATIONAL &amp; PROCESS IMPROVEMENT INITIATIVE STATUS</b>	<b>8</b>

## **I. EXECUTIVE SUMMARY**

---

The Navajo-Hopi Land Commission Office (NHLCO) is the office within the Navajo Nation designated with the duty and responsibility to rehabilitate and improve the social, economic, and educational conditions of Navajo people and communities affected by the adverse impacts of the Navajo-Hopi Indian Land Settlement Act of 1974 (“the Act”), P. L. 95-351, as amended, and to make land selections for the benefit of people adversely impacted by relocation.

The NHLCO continues to seek and secure additional funds to further its goal of rehabilitating lands and communities affected by the adverse impacts of the Act by continuing to fund social, economic, educational and infrastructure development projects which will lead to the creation of jobs for the people and communities so affected and improves their lives.

The work of the NHLCO is aligned with the Office of the President and Vice President’s priorities as follows:

1. Infrastructure Development and Implementation
2. Job Creation (In All Sectors)
3. Elders and Youth
4. Veterans

## **II. CRITICAL ISSUES**

---

### **a. Transition and Closure of ONHIR**

The Office of Navajo and Hopi Indian Relocation (ONHIR) recently announced that it intends to close its operations on September 30, 2018. In anticipation of ONHIR’s closure, the Office of the President-Vice President (OPVP) established the ONHIR Transition Team to handle the transition of authority and functions of ONHIR to the Navajo Nation. Staff from our office along with representatives from the Navajo Nation Department of Justice, Division of Natural Resources, Division of Economic Development and Division of Natural Resources will serve on the ONHIR Transition Team. The Team will coordinate its efforts with ONHIR, the Nahata Dziil Governance Commission and the BIA.

### **b. \$1.6M FBFA Legislation**

The NHLCO anticipated receiving a portion of the proposed \$1.6M for housing renovations of homes located in the FBFA. However, the NNC legislation failed to pass during the March 23rd NNC Special Session. It is anticipated that the \$1.6M legislation will be re-introduced for reconsideration.

## **III. PROJECT(S) STATUS**

---

### **Infrastructure Development and Implementation/ Job Creation**

The NHLCO works in collaboration with the NHLC to identify and implement projects that rehabilitate and improve the social, economic, and educational conditions of the people and communities affected by the land dispute.

#### **a. FBFA Escrow Fund Use Plan**

1. 9 FBFA Chapter Escrow Fund Home Rehabilitation Project. Develop housing in the nine (9) FBFA chapters in collaboration with FBFA chapters using Escrow Funds, totaling \$3.6 million.

Project Status:

Tolani Lake, KaiBiiTo, Tonalea, and To'Nanees'Dizi Chapters have submitted completed proposals, signed MOAs and budgets. Their completed documents are in the 164 review process.

2. 17 Emergency Homes Project. Construction and delivery of 17 manufactured homes to 17 recipients using allocation of \$1.073 million of Escrow Funds.

Project Status:

All 17 units have been delivered, set up, and are occupied. The units were inspected and recipients were educated on unit warranties and ownership. Our office is waiting for the last nine titles to arrive from contractor before ownership can be transferred to recipients.

3. FBFA Economic Development. \$1 million in Escrow Funds approved per NHLCO 2013 resolution to: 1) develop economic strategic plans for 9 FBFA Chapters; 2) conduct business feasibility studies at selected sites based on plan development; 3) conduct clearances for selected sites; 4) set aside \$50,000 to assist FBFA business capacity building; and 5) payment for consultant travel and personnel expenses.

Project Status:

The Cameron Chapter has submitted a proposal for a site feasibility study. The proposal is currently under review by NHLCO. A revised scope of work and budget modification will be presented to the Navajo-Hopi Land Commission.

b. Navajo Rehabilitation Trust Fund (NRTF) for Home Rehabilitation and Improvement

1. FJUA Homes Project. Project to repair 25 Navajo Partitioned Lands (NPL) relocation homes and 14 Hopi Partitioned Lands (HPL) homes.

Project Status:

Replacement of roofing of 11 NPL relocation homes has been completed and the purchase of building materials has been completed for 14 additional HPL homes. To date, the renovation of 9 HPL homes has been completed. The renovation of 4 more homes will be completed next quarter.

c. Renewable Energy Projects

1. Paragon-Bisti Solar Ranch Project. A feasibility study had been completed for the project. The project has now moved forward with the implementation of Phases III, IV, and V: preconstruction preparation, construction work, and long term management.

Project Status:

The NHLCO is working with the Land Department to begin the land withdrawal process for Site 1.

2. Clean Energy Strategic Implementation Plan. The Division of Natural Resources (DNR) received a grant to develop and implement a Clean Energy Implementation Plan for the Navajo Nation. The NHLCO is a stakeholder in the

implementation of the plan and is currently working with DNR and others to begin drafting the plan.

Project Status:

The stakeholders held a workgroup meeting on February 28-29, 2016 in Albuquerque, New Mexico, to conduct presentations on current RE projects and identify guidelines that will support the development of the plan.

d. NN-BIA FBFA Integrated Resource Management Plan

1. NN-BIA FBFA IRMP. The NN and BIA Navajo Region signed a Memorandum of Understanding (MOU) to develop an Integrated Resource Management Plan (IRMP) for resources in the FBFA. Core and interdisciplinary teams were formed composed of both NN and BIA personnel to develop and complete an EIS along with other compliance work.

Project Status:

The NHLCO is working with the BIA consultants and the ACS-DCD to assist the nine Chapters update their CLUPs for inclusion into the EIS.

e. Navajo-Hopi Settlement Act Land Acquisitions

The NHLCO assists the Navajo-Hopi Land Commission (NHLC) in selecting lands pursuant to 25 USC § 640d-10. Approximately 9,868 acres of private land in Arizona and New Mexico has yet to be selected under 25 USC § 640d-10.

1. Red Barn Properties. The NHLC purchased the Red Barn Properties located in Sanders, Arizona. The NNGE purchased the liquor licenses attached to the properties.

Project Status:

The NHLCO closed escrow on the Red Barn Properties on March 14, 2016. The Nahata Dziil Governance Commission (NDGC) is interested in entering into a lease agreement for the Red Barn property.

2. Page Property. The NHLCO agreed to enter into a lease agreement with Parks and Recreation to lease the property located in Page, Arizona.

Project Status:

Department of Property Management (DPM) staff visited the property to conduct a preliminary inventory of the building(s), structure(s), etc. on the property. However, DPM needs to conduct a second visit to the property to finalize the inventory list. Once the inventory list is completed, NHLCO will deliver the list to Department of Risk Management (DRM) to obtain an insurance coverage estimate.

f. Development of Fund Management Plan

1. Relocatee Fund Management Plan. A fund management plan has been drafted for the benefit of families who were living on the Hopi Partitioned Lands (HPL), as of December 22, 1974. The plan will cover relocation home rehabilitation, infrastructure development, educational grants, and investments using payments derived from the Twins Arrows property lease agreement. Annual payments of approximately \$500,000 per year have been accruing in a relocatee fund account set up within the Investment Office (OMB) since January 2012.

Project Status:

A final draft of the Relocatee Fund Management Plan was completed on October 24, 2015. The plan will now be submitted through the 164 process for review.

Elders and Youth

NHLCO serves all people and communities affected by adverse impacts of the land dispute.

a. Project Activities and Client Services for HPL, NPL and FBFA and Nahata Dziil Communities

1. Hopi Partitioned Land (HPL). The NHLCO advises and assists the Voice of the People (VOP), an advocacy organization for HPL residents, on grazing issues and mediation negotiations.

Project Status:

The NHLCO met with the NN Human Rights Commission to discuss concerns of human rights violations occurring on the HPL. NHLCO will continue its efforts to work with the NNHRC to address the concerns of the HPL residents.

2. Navajo Partitioned Land (NPL). The NHLCO meets regularly with the Navajo Nation Resource and Development Committee (RDC), Department of Agriculture (DNR), and the Bureau of Indian Affairs (BIA) on matters related to the implementation of 25 CFR Pt.161 and grazing permit re-issuance.

Project Status:

The NHLCO is working with the Department of Agriculture and BIA staff to correct the list of cancelled grazing permits that previously existed within the FJUA and identify the correct number of cancelled NPL grazing permits.

3. Former Bennett Freeze Area (FBFA). Under the direction of OPVP, a FBFA Action Team and four Technical Teams were formed to begin work on revitalizing the FBFA. FBFA Technical Teams have been created to address the following four priority areas: Technical Groups have been created for the following 4 areas: (1) housing; (2) infrastructure; (3) public safety, health and education; and (4) economic development.

Project Status:

The NHLCO is regularly attending the 9 FBFA Chapter meetings to assist the chapters update their CLUPs for inclusion into the EIS for the FBFA.

4. Nahata Dziil Residents and Range Lands. The NHLCO assists Nahata Dziil relocatees with grazing issues and other related matters.

Project Status:

The NHLCO will be participating on the ONHIR Transition Task Force to develop a transition plan for the transfer of ONHIR's responsibilities and functions over Nahata Dziil affairs.

Veterans

NHLCO serves all people, including veterans, who have been affected by the land dispute and provides direct and indirect services to all affected residents.

Project Status:

As part of the OPVP FBFA Action Team Initiative, the NHLCO is collaborating with the Western Agency Navajo Department of Veterans Affairs (NDVA) to provide housing assistance to veterans residing in the FBFA.

## IV. BUDGET STATUS

---

### Infrastructure Development and Implementation/ Job Creation:

The NHLCO works in collaboration with the NHLC to identify and implement projects that rehabilitate and improve the social, economic, and educational conditions of the people and communities affected by the land dispute.

- a. FBFA Escrow Fund Use Plan
  1. 9 FBFA Chapter Escrow Fund Home Rehabilitation Project  
NHLCO is administering and managing the \$3.6 million set-aside for housing rehabilitation. Allocated funds will be released to the 9 FBFA Chapters once the NHLCO receives a signed MOA, proposal and budget (subject to approval) from each of the 9 FBFA Chapters.
  2. 17 Emergency Homes Project  
All project funds have been spent. The project will be completed once our office receives the last nine titles to the modular homes that have been delivered.
  3. FBFA Economic Development Proposal  
The NHLCO continues to hold the \$1 million allocated for the implementation of the Economic Development Project pending further direction from the NHLC.
- b. Navajo Rehabilitation Trust Fund (NRTF) for Home Rehabilitation and Improvement
  1. FJUA Homes Project  
This is a \$1.2 million project using Navajo Rehabilitation Trust Funds. All funds have been encumbered to complete the project. Replacement of roofing of 11 NPL relocation homes has been completed and the purchase of building materials has been completed for 14 additional HPL homes. To date, the renovation of 9 HPL homes has been completed. The renovation of 4 more homes will be completed next quarter.
- c. Renewable Energy Solar Project
  1. Paragon-Bisti Solar Ranch Project  
There currently are no funds available to implement the next phases of the solar project. NHLCO is working with Tetra Tech to secure private financing to implement Phases III, IV and V of the project.
  2. Clean Energy Strategic Implementation Plan  
DNR is the administrator for the grant and responsible for producing the final draft of the Clean Energy Strategic Plan.
- d. NN-BIA FBFA Integrated Resource Management Plan
  1. NN-BIA FBFA IRMP  
The BIA Navajo Regional Office committed \$1 million to hire two consultants to complete a final draft the IRMP for the FBFA and to carry out an EIS following the completion of the IRMP.
- e. Navajo-Hopi Settlement Act Land Acquisitions
  1. NHLC Land Acquisition Accounts  
There are 9,868 acres of fee land left to be selected under the Navajo-Hopi Settlement Act. However, there are no funds remaining in the NRTF Land Purchase account to purchase additional lands.

f. Development of Fund Management Plan

1. Relocatee Fund Management Plan

Over \$2 million has accumulated pending approval of the relocation fund management plan by the NHLC and subject to the 164 process. Once approved, the NHLCO will begin developing a plan of operations for the Fund Management Section.

Elders and Youth

NHLCO serves all people and communities affected by adverse impacts of the land dispute.

a. Project Activities and Client Services for HPL, NPL, FBFA and Nahata Dziil Communities

The NHLCO had anticipated receiving a portion of the proposed \$1.6M for housing renovations in the FBFA. However, the NNC legislation failed 15-1. Delegate Phelps may be re-introducing the legislation for reconsideration.

The NHLCO receives requests from time to time from HPL or NPL residents to pay the livestock impoundment fees for livestock that have been impounded by the Hopi Rangers. However, our office no longer has funds set aside to pay for or reimburse residents for livestock impoundment fees.

**IV. BUDGET STATUS: Total Budget, General Funds**

a. Expenditure Report for Personnel and Operating Costs for General Funds Account

Sub-Account	Original Budget	Revised Budget	Expended	Balance
Personnel	\$507,098.00	\$507,098.00	\$211,688.13	\$295,409.87
Travel	\$30,631.00	\$26,631.00	\$10,310.48	\$16,320.52
Office/Operating Supplies	\$3,600.00	\$8,988.72	\$5,181.70	\$3,807.02
Lease & Rental	\$2,016.00	\$2,016.00	\$2,016.00	\$-0-
Communication & Utilities	\$3,600.00	\$5,600.00	\$2,456.85	\$3,143.15
Repairs & Maintenance	\$5,490.00	\$2,101.28	\$2,101.28	\$-0-
Special Transactions	\$3,421.00	\$3,421.00	\$1,013.56	\$2,407.44
Insurance Benefits				
Assistance				
Account Totals:	\$555,856.00	\$555,856	\$234,768.00	\$321,088.00

1. Number of full-time employees (FTE), part-time employees, & consultants

- Window Rock Navajo-Hopi Land Commission Office:
  - One executive director appointee and four full-time employees;
  - Three carpenters on a temporary basis (located in the field)
- Tuba City Navajo-Hopi Land Commission Office:
  - One full-time employee.

2. Status of existing Conditions of Appropriations (CoA) within Division or Executive Office.
  - NHLCO has no CoA

## **V. OPERATIONAL & PROCESS IMPROVEMENT INITIATIVE STATUS**

---

- a. FBFA Escrow Fund Use Plan
  1. 9 FBFA Chapter Escrow Fund Home Rehabilitation Project  
Due to the limited resource capacity of the FBFA Chapters and our office, our office enlisted the assistance of the LDAs to Delegate Phelps and Delegate Slim to help the 9 Chapters complete pending paperwork.
  2. 17 Emergency Homes Project  
The project will be completed once our office receives the last nine titles to the modular homes that have been delivered.
  3. FBFA Economic Development Proposal  
The NHLCO will be working with the NHLC on a budget modification and amendment to Resolution NHLCJY-20-13.
- b. Navajo Rehabilitation Trust Fund (NRTF) for Home Rehabilitation and Improvement
  1. FJUA Homes Project  
Replacement of roofing of 11 NPL relocation homes has been completed and the purchase of building materials has been completed for 14 additional HPL homes. To date, the renovation of 9 HPL homes has been completed. The renovation of 4 more homes will be completed next quarter.
- c. Renewable Energy Solar Project
  1. Paragon-Bisti Solar Ranch Project  
The NHLCO is working with our Tetra Tech consultants to seek project financing and begin the land withdrawal process for Site 1.
  2. Clean Energy Strategic Implementation Plan  
The NHLCO, along with the Tetra Tech consultants, are working cooperatively with DNR and the Bureau of Reclamation to incorporate the Paragon-Bisti Solar Ranch Project into the Clean Energy Strategic Plan.
- d. NN-BIA FBFA Integrated Resource Management Plan
  1. NN-BIA FBFA IRMP  
The NHLCO is working with the BIA consultants and the ACS-DCD to assist the nine Chapters update their CLUPs for inclusion into the EIS.
- e. Navajo-Hopi Settlement Act Land Acquisitions  
The NHLCO will be meeting with the Nahata Dziil Governance Commission to explore the leasing of the Red Barn property for economic development activities.
- f. Development of Fund Management Plan  
An approved relocation fund management plan by the NHLC and subject to the 164 process. Once approved, the NHLCO will begin developing a plan of operations for the Fund Management Section.



### Elders and Youth

NHLCO serves all people and communities affected by adverse impacts of the land dispute.

- a. Project Activities and Client Services for HPL, NPL and FBFA Communities  
The NHLCO had anticipated receiving a portion of the proposed \$1.6M for housing renovations in the FBFA. However, the NNC legislation failed 15-1. Delegate Phelps may be re-introducing the legislation for reconsideration.