

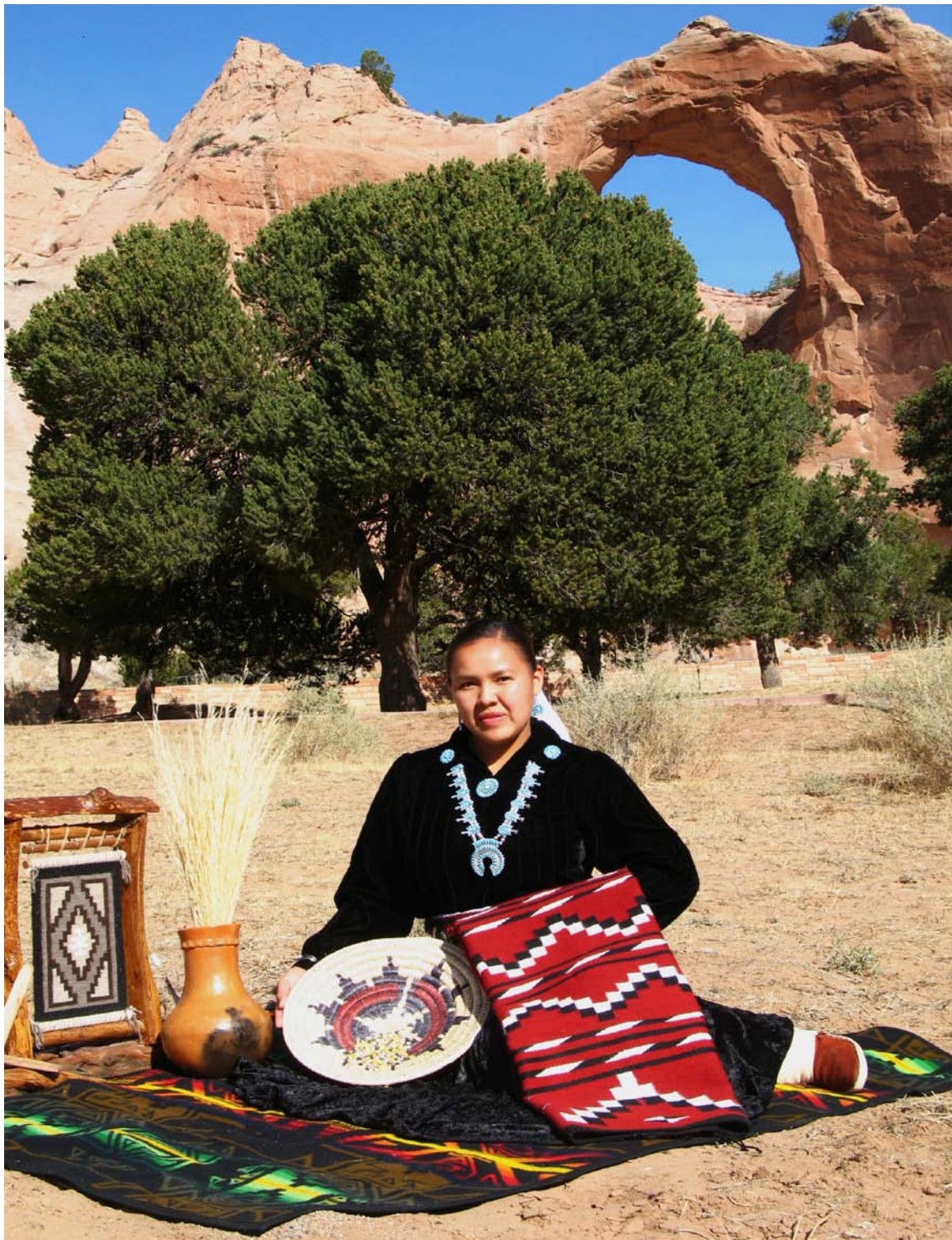
Official Misconduct in the Navajo Nation

October 14, 2016 Navajo Law Seminar

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2009-2010
Comprehensive Economic Development Strategy
The Navajo Nation



FOREWORD

Our latest Comprehensive Economic Development Strategy of the Navajo Nation is in your hands. This document is produced by the Division of Economic Development of the Navajo Nation. The Division has worked very diligently to prepare this document. Most of the data for the document have been collected from the primary sources. Data from secondary sources, e. g., US Census 2000; American Community Survey, 2007; County Business Patterns; Economic Census 2002 and 2007; Current Population Survey; Statistical Abstract of the United States 2007; Bureau of Labor Statistics; Bureau of Economic Analysis; and so on have been used as well.

This document is also one of the requirements to receive funding from the Economic Development Administration of the U. S. Department of Commerce.

The Comprehensive Economic Development Strategy of the Navajo Nation provides various data related to the Navajo economy, government, health, education and demography. It is used as one of the major sources of information on the Navajo Nation, by a substantial number of people and public and private organizations within and outside of the Navajo Nation such as Navajo Government agencies, schools, for-profit and non-profit organizations use this document to apply for grants.

Navajo and non -Navajo students from throughout the United States, researchers, academicians, scholars, and general public interested in the economy of the Navajo Nation, use this document for research purposes.

And finally, various consultants who need information on the Navajo economy use this document as the basis of their consulting services to the Nation.

The demand for this document has increased dramatically by the people from European and Asian countries, signifying their increased interest on the Navajo Nation in general, and in its economy in particular.

You will find this document informative. Of course, there is always room for improvement. Your comments and suggestions will help us do that.

Thank you for your interest in the Navajo Nation.

Sincerely,



Mr. Allan S. Begay
Executive Director
Division of Economic Development
The Navajo Nation



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Chapter I: A Brief Introduction of the Navajo Nation

A. Introduction

Of the 500 Indian tribes and 318 reservations recorded in the United States by the 2000 Census, the Navajo Nation is the home of the largest American Indian tribe. The Navajo Nation sprawls across northeast Arizona, New Mexico and Utah. The Navajo Nation often referred to as, Diné Bikéyah or Navajoland, is larger than 10 of the 50 states in the United States. The term American Indian has a fascinating origin. Christopher Columbus, who thought he had reached the East Indies, islands off Asia, and called the people *los Indios*. After the error was realized the Spanish continued to use the term *Indios*, which later became *Indian* in English.

By the early 1970s the word “Indian” was often misunderstood and became politically incorrect as the word was identified as a racist term. Native American became the most popular alternative, although it can apply to anyone born in the United States. A recent survey in the United States indicates that about 50% of the Indians sampled preferred the term “American Indian” over “Native American”.

Aside from being the most identifiable and populous tribe in the United States, many foreigners know the Navajos. The Navajos have been studied most by the anthropologists – so much so that a Navajo family has sometimes been defined as “a man, his wife, their children, and their anthropologists.” About one hundred films and videos have been released about the Navajos only in recent past, and about 2,600 articles, books and monographs were published.¹

The Navajos have remarkable capacity to adopt the ideas and culture of other people. The Navajo did not appear as a distinct tribe until 1725. Since then the Navajos have welcomed so many Indians and non-Indians alike; and have integrated into their own culture, ideas and culture of so many other people – both Indians and non-Indians.

B. Navajo Code Talkers

Visitors around the world foreign and domestic are intrigued and mystified when they hear the Navajo language – so, too, were the enemy during World War II. Unknown too many, the Navajo language was used to create a secret code to battle the Japanese. Navajo men were selected to create codes and serve on the frontline to overcome and deceive those on the other side of the battlefield. Today, they are recognized as the famous “Navajo Code Talkers”, who exemplify the unequalled bravery and patriotism of the Navajo people.

In regards to the Navajo Code Talkers, Major Howard Connor, 5th Marine Division signal officer, declared at Iwo Jima, “Were it not for the Navajos, the Marines would never have taken Iwo Jima.” Connor had six Navajo code talkers working around the clock during the first two days of the battle. Those six sent and received more than 800 messages, all without error.

In May 1942, the first 29 Navajo recruits attended boot camp. At Camp Pendleton, Oceanside, California, this first group created the Navajo code. They developed a dictionary and numerous words for military terms. During the training exercise a dictionary was used. The Code Talkers were required to memorized military terms within a specific time frame. Navajos could encode, transmit, and decode a three-line English message within 20 seconds while machines took 30 minutes to perform the same job. Approximately 400 Navajos were trained to be code talkers.

The Navajo Code Talkers participated in every assault the U.S. Marines conducted in the Pacific from 1942 to 1945. They served in all six Marine divisions, Marine Raider battalions and Marine parachute units, transmitting messages by telephone and radio in their native language – a code that the Japanese never broke. Long unrecognized because of the continued value of their language as a security classified code, the Navajo Code

¹ Dr. Wendell H. Oswalt, “This Land was Theirs”. Eighth Edition. P. 341. Oxford University Press. 2006.



Talkers of World War II were honored for their contributions to defense on Sept. 17, 1992, at the Pentagon, Washington, D.C.²

C. Flag

Of the 140 entries received for the Navajo Nation Flag design, Jay R. DeGroat, a Navajo from Mariano Lake, New Mexico, drawing was chosen. On May 21, 1968, the Navajo Nation Council by Resolution CMY-55-68 officially adopted the Navajo Nation Flag.

The flag design included a tan background, the outline of the present Nation is shown in copper color with the original 1868 Treaty Reservation in Dark Brown. At the cardinal points in the tan field symbolize the four sacred mountains. A rainbow represents Navajo sovereignty which arches over the Nation encompassing the sacred mountains. The center of the Nation, is a circular symbol that depicts the sun, the modern sawmill signifies the progress and industrial characteristics of the Navajo Nation's economic development and way of life.

D. The Dine Belief³

According to Navajo legends, the First Man, the First Woman, the Holy People and all the animals of this earth came from different worlds below. It is believed that the Dine' were given the skills of life from the Holy People. These skills included the teachings of how to live in balance with nature and all of Mother Earth's inhabitants and surroundings known as "K'e", and a life-skill which teaches of peace, harmony, serenity, and balance to create harmony.

According to these teachings Navajos were given a designated place known as Dine bi Keyah (Navajoland) surrounded by the four scared mountains of reverence - one in each direction to protect and guide the Dine' in their daily lives, and also to remind them of the precious gift we have in the circle of life. The Navajos often refer to these four mountains as the Four Scared Mountains and these mountains are:

- Mount Blanca referred to Navajos as "*Sisnaajini*" sits to the East. This mountain is represented in white, and begins the natural way of life and the beginning of hozh'o. The mountain symbolizes a place where the sun rises and where day begins. This direction also represents Spring Season, the color of purity, and white shell stone.
- Mount Taylor is called "*Tsoodzil*" lies to the South. This mountain is represented in turquoise and continues the day's journey at mid-day when the sky is blue. This direction also represents the Summer Season, and the beautiful shine of the Turquoise stone.
- The San Francisco Peaks is known as "*Doko oosliid*" is positioned to the West. This mountain is represented in Yellow as when the sun sets and the day begins to rest. This also reflects the adulthood of all livings beings. This direction also represents Fall Season, and the warm color of the abalone stone.
- Mount Hesperus is called "*Dibeentsaa*" is located to the North. The mountain is represented in Black which resembles the color of Night. This is the time, when all life must rest. It also represents the elderly, the completion of the life circle, the Winter Season, and the mystical color of the jet stone.

So, the circle of life is completed and embraces the essence of life (male and female). Both connected through a bottomless center foundation of sand, which is Mother Earth and beauty is all around (hozh'o). (The above section has been taken from a Flier by Tony Milford, Jr., called "Dine Belief").

² Excerpts taken from a Fact Sheet prepared by the Navy & Marine Corps WWII Commemorative Committee.

³ Tony Milford, Jr., "Dine Belief" (A Flier).



E. A Brief History⁴

According to scientists who study different cultures, the first Navajo lived in western Canada, some one thousand years ago. They belonged to an American Indian group called the Athapaskans. They called themselves Dineh, or The People.

As time passed on, many of the Athapaskans migrated southward, and some settled along the Pacific Ocean where they can be found to this day, and belong to the northwest Coast Indian tribes.

A number of Athapaskan bands, including the first Navajos, migrated southwards across the plains and through the mountains. The journey was south was a long, slow trip but the bands were not in hurry. When they would find a good place to stay, they would often live there for a long periods and relocated to another area. For hundreds of years, the early Athapaskan bands followed the herds of wandering animals and searched for good gathering grounds.

According to some scientists, some Athapaskan bands were the first who arrived to the American Southwest around the year 1300. Some settled in southern Arizona and New Mexico and became the different Apache tribes. The Apache languages and dialect sound similar to the Navajo language.

The Navajo Athapaskans settled just east of Farmington, New Mexico. They settled among the mesas, canyons and rivers of northern New Mexico, and gave their land the name of Dine'tah. Three rivers - the San Juan, the Gobernador, and the Largo ran through Dine'tah. By the year 1400, the Navajos came in touch with Pueblo Indians where they learned how to farm and cultivate the land. By 1600s the Navajos became self-sufficient by farming and growing their own food.

As the Navajo population grew, they started migrating to other places in the southwest. Some migrated westward to Arizona, others headed south to Mount Taylor in New Mexico. Still some migrated northward into Colorado and Utah. By 1700, Navajos were living in northern Arizona, New Mexico, southern Colorado and Utah surrounded by four sacred mountains of the Navajo people mentioned earlier.

In the meantime, the Spaniards had already colonized New Mexico. A number of small towns cropped up along the Rio Grande River. Santa Fe was founded in 1610. It became the most important town in the New Mexican colony. Contact between the Navajos and Spaniards grew. Of all the things the Spaniards taught the Navajos how to ride horses. Soon, Navajos became better horsemen than the Spanish soldiers.

Narbona, who was born in 1766 in the Chuska Mountains, became a great leader of the Navajo people. From childhood, he had the skills and characteristics of great warrior. Narbona and his son-in-law, Manuelito spent most of their lives fighting the Spaniards, the Mexicans (Mestizos), and then the Anglo-Saxons. Later in his life, he became a great peace-maker between various warring factions. In the 1990s, Washington Pass that connected the east and west side of the Chuska Mountains, was named renamed to Narbona Pass to honor his legacy and great leadership of the Navajo people.

Till 1846, today's California, Arizona, Nevada, Utah, New Mexico, and Colorado were still part of Mexico. Texas had once belonged to Mexico too, but in 1836 the Texans rebelled and started their own country. By 1848, the Americans had defeated the Mexican Army and annexed the above states to the United States.

During those days Navajos and the Spaniards were constantly waging war against each other. At the same time, the Navajos and the Pueblos were also fighting against each other. In the August 1846, the American army rode into Santa Fe. General Kearny, who was the leader of Americans at that time, wanted to have the New Mexican people on his side. General Kearney discovered that the Navajos and

⁴ This section depends heavily upon a book entitled, "DINETAH – An Early History of the Navajo People" by Lawrence D. Sundberg. Sunstone Press. 1952.



Apaches were at war against the New Mexicans. He followed the principle of Divide and Rule where he decided to help the New Mexicans to win. The purpose of helping the New Mexican was to gain their favor and trust. Antonio Sandoval, a prominent Navajo headman from the Mount Taylor area, offered to help the Americans make peace with the Navajo people. A peace treaty was signed between the Americans and the Navajos on November 21, 1846. Narbona, Manuelito, Zarcillos Largos, and 10 other headmen signed the treaty at Bear Springs. Nonetheless, various factions kept fighting against each other more frequently because of misunderstandings. The Navajo headmen who had signed the treaty kept their promise and stopped attacking Mexicans or Americans. On the other hand, those who had not signed the treaty kept waging war. Americans thought that the Navajo headmen, who had signed the treaty, had broken their promises. A number of fights broke out among the Indians, the Pueblos, the Mexicans, the New Mexicans; and the Americans. Quite often, it was difficult to identify which group was siding with whom. The scenario changed constant and more frequent. Although a number of treaties were signed between various warring groups and with the Americans, but they did not last very long.

In one of the confrontations, the great leader of the Navajo people, Narbona, was killed. His son-in-law, Manuelito, another great leader of the Navajo people, became the headman of the Chuska Navajos. He was quite furious over the death of his father-in-law, and vowed to avenge the death of this father in-law which included warring with the Americans and New Mexicans.

Between 1849 and 1851, the Navajos raided many settlements across New Mexico, and attacked the Jemez, Zuni, Acoma, Laguna, and Isleta pueblos. Americans built Fort Defiance in 1851 so that they could fight the Navajos more effectively. The wars continued among various factions; however, thanks to the efforts by Zarcillos Largos and Henry Dodge, an Indian agent at the Fort Defiance, helped to end the fighting by 1855.

In 1856, Apache warriors ambushed and killed agent Dodge while he was on a hunting trip near Zuni. After the death of Dodge, turmoil and war increased. The history took a sharp turn after a Navajo man during his visit to Fort Defiance resulted in the killing of a black slave of Major Brook, who was the commander of the fort at that time. The New Mexicans, Utes, and Pueblos helped the Americans invaded Canyon de Chelly and destroyed every Navajo home they could find. They even attacked Zarcillos Largos' people camped north of Fort Defiance. Zarcillos Largos and other headmen decided to sign another peace treaty with the Americans. Barboncito (Moustached Man), who later signed the famous treaty of 1868 on behalf of the Navajo people, was one of the headmen. Again, peace did not last for long and war continued.

In 1861, some Zuni and New Mexican raiders ambushed Zarcillos Largos and killed him while he was returning home alone after visiting the Hopis. The killing of Zarcillos Largos angered Manuelito, and he promised to continue his fight against the Americans.

In 1862, General James Carleton became the commander of the American troops in New Mexico. The general did not trust Navajo leaders and considered all Navajos the enemies of the Americans. He wanted to force all Navajos to a reservation along the salty Pecos River in New Mexico. General Carleton and his men built a fort, which is known as Fort Sumner. Navajos called Fort Sumner, "Hweeldi".

A scout named Christopher 'Kit' Carson knew the Navajo people and the landscape. General Carleton sought Kit Carson along with New Mexicans and Utes to help invade the Navajoland. After learning about the plan, the Navajo leaders met with the general in Santa Fe and again in Fort Wingate in 1863. They assured the general that the Navajos were peaceful people and that they would help the American soldiers stop any outlaw Navajos from attacking New Mexican settlements. General Carleton did not trust the Navajos and ordered them to surrender by July 20, 1863. The Navajos failed to comply with the general's order. Thus, Kit Carson raided numerous places and turned the Navajo peoples' lives extremely miserable. Eventually, the Navajos started to surrender (Barboncito did not surrender until August 1864; and Manuelito surrendered in October of 1866). The soldiers gave the Navajo people food and blanket, which surprised them. News spread across the southwest how the American soldiers were helping Navajos who surrendered. Thereafter, more Navajo people were surrendering in Fort Defiance and Fort Wingate. By March of 1864, more than five thousand Navajos were held captive and classified as prisoners. Shortly afterwards, groups of Navajos started their march to Fort Sumner, which was hundreds of miles away. The march became known as the Long Walk. During the Long Walk, some of the elderly who were weak including children could not keep pace with the group, were eventually shot dead by the soldiers.



Life for the Navajos in Fort Sumner was an area of decadence. Prior to captivity the Navajos were a strong Indian tribe who was self-sufficient and self-contained living off the land. In captivity Navajos had to learn how to cook with white flour, sugar; salt, coffee beans and other items which they had no experience in meal preparation using these ingredients. Since they were inexperienced with cooking with these items they got sick and several died. To survive the life in Fort Sumner, many Navajos had to hunt for rabbits, mice, and prairie dogs. Soon, the lack of food supplies diminished and the Americans began to ration tickets for food. Life was so horrible at the Fort Sumner that despite the dangers of slave raiders, soldiers, thirst, hunger and cold, many Navajos tried to escape from the Hweeldi, i.e., Fort Sumner. Many of them were never seen again.

In late May 1868, led by Tecumseh Sherman, a famous Civil War general, many American visitors arrived at Fort Sumner. The general witnessed the horrific conditions of the Navajo people, and wanted to meet with the Navajo leaders. On the morning of May 28th, the Americans and the Navajo leaders met. Hence, the famous Treaty of 1868 was signed June 1, 1968. Twenty-nine Navajo leaders signed the treaty - Barboncito being the most predominant figure and leader of the Navajo people. After traveling for more than a month, the Navajos journeyed back in their own ancestral homeland.

At that time the Navajo Nation was quite small covering a territory which included Fort Defiance, Chinle, Many Farms; and Shiprock. Since then the Navajo Nation has expanded significantly to the largest Indian reservation in the United States.

F. Geography

As mentioned above, the Navajo Nation is the largest reservation in the United States, not only in terms of the reservation population but in geographical area covered by the Nation. The Navajo Nation land is more than 27,000 square miles and is situated on the southwestern Colorado Plateau. [Table No. 1](#) presents the area of the Navajo Nation by States and types of land owned by the Navajo Nation. The size of the Navajo Nation is often compared to the size of West Virginia and is larger than 10 of the 50 states in America.

The topography of the Navajoland includes arid deserts and alpine forests with high plateaus, mesas, and mountains reaching as high as 10,500 feet in altitude. In contrast, the lower elevations include dry desert regions with an altitude of 5,500 feet. Volcanic activities, wind and water erosions have formed and carved the Navajo Nation into many majestic mesas, mountains and canyons. Navajoland contains a number of world-renowned scenic wonders of the Southwest, such as the Canyon de Chelly, the Shiprock peak, the Monument Valley, the Chuska Mountains, the Window Rock, and much more.

The beauty and the culture of the Navajo Nation have attracted more than three million tourists annually from all over the world. [Table No. 28A](#), [No. 28B](#) and [No. 28C](#) portray the number of visitors by various locations for years – 2003-2008.

G. Demography

Decennial censuses are the most reliable source of data on the Navajo Nation. According to the U.S. Census 1980, the population for the Navajo Nation was 129,553, which increased to 146,001 during 1990 and to 180,462 (see [Table 2](#) for details).

In between the Censuses, the Navajo Nation has been estimating its own population figures. The Division of Community Development had been doing so for a number of years after the 1990 Census. Soon after, the Division of Economic Development took over this responsibility. Based upon the Census 1990 and Census 2000 data, we have calculated that the Navajo population grew at a rate of 1.82% annually between these two years (see [Table No. 4](#) for detail). Using this growth rate, the population of the Navajo Nation has been estimated to be 204,698 in 2007 and 208,423 in 2006. [Table No. 3](#) presents year by year projected population figures of all the Chapters within the Navajo Nation till 2008 and also for the years 2010, 2015 and 2020. [Table No. 5](#) presents U.S. population as per American Community Survey for the year 2007 by Race and by State. Some characteristics for the Navajo population are described below:



1. Between 1980 and 1990, the population for the Navajo Nation increased at an annual rate of 1.2%; and at an annual rate of 1.82% between 1990 and 2000 (see [Table No. 4](#) for detail). We believe that the growth rate of the Navajo population is considerably higher because of the lack of employment opportunities on the Navajo Nation, many younger Navajos relocate to cities like Phoenix, Arizona; Albuquerque, New Mexico, New Mexico; and Salt Lake City, Utah. Thereby reducing the overall population of the Navajo Nation, and lowers the population growth rate.
2. The Navajo population is relatively young and the median age for the overall population residing on the Navajo Nation was only 24 years in 2000. By comparison, the median age of the United States' population, was 35.3 years. According to the American Community Survey (ACS) for the year 2007, which has replaced the Long Form of the Decennial censuses, the median age of the Navajo people living all across the nation - not only inside the Navajo reservation - is 29.5 and for the total population at large is 36.7 years ([Table No. 5](#)). Though the median age of the Navajo people has gone up, it is still far lower than that of the U.S. population. In other words the median age for the Navajo population is young.
3. The Navajo population has more female members in comparison to its male counterparts. According to the same ACS report, 50.53% of the Navajos are female and 49.47% are male. Male-Female ratio for the USA at large is 49.28:50.72.

H. Government

The origin of the Navajo government dates back to 1923, when the first Navajo Tribal Council was established. However, it was not until 1938 when the very first election for council took place. Since then through 1989, the Navajo Nation government consisted of the tribal council headed by the Chairman of the Council. In December 1989, Title 2 Amendments were passed, which established a three-branch system of government, comparable to the major democracies of the world. Organizational Chart of the Navajo Government is presented in [Figure 1](#). The three-branch system is:

- The Executive Branch which is represented by the President and the Vice-President, who are elected by the Navajo people. The president and vice-president serve a term of four years but cannot serve more than two consecutive terms. The list of the Chairman/Vice-Chairman and Presidents/Vice-Presidents is presented in [Table No. 6](#). Our last presidential election took place in 2006. Chapter by Chapter result of the presidential election is presented in [Table No. 7](#).
- The leader for the Judicial Branch is the Chief Justice of the Navajo Nation. The Chief Justice is appointed by the President and then confirmed by the Navajo Nation Council.
- The Navajo Nation Council comprise of 88 elected members of the Legislative Branch of the Navajo Nation. The 88 members called Council Delegates. These delegates are elected for a four-year term by the registered voters of each 110 Chapter(s), which represent the local governance for the Navajo Nation. Several council delegates represent more than one Chapter resulting in some Chapters having more than one Council delegate representing their community. The number of Council Delegates depends on the Chapter's population of registered voters.

The Navajo Nation Council has 11 Standing Committees. Each Committee has 8 members and each member of the Council serves in one Committee. However, a twelfth Committee – the Intergovernmental Relation Committee, popularly known as IGR, has 11 members and comprises of the Chairpersons of all the 11 Standing Committees. The list of the Standing Committees with the current Navajo Nation Council delegates is found in [Table No. 8](#).

Window Rock was chosen as the capitol of the Navajo Nation in the early 1930s by John Collier, the Commissioner of Indian Affairs. Not only was Window Rock a unique and beautiful sandstone formation, it was also just one day's ride by horseback to the nearest railroad. Window Rock is much more than its beauty and scenery. The stains, at the base of the rock, show signs that a spring once existed at one time. Water from this



spring and from three other locations was procured by Medicineman to be used in the Tohee (Water Way) Ceremony, said to bring rain. It is now silted over with sand.

Recently, the Navajo Nation built a Veteran's Memorial at the base of Window Rock to honor the many Navajos who served in the U.S. military. Many Navajo soldiers are recognized in the annals of history for their role as Code Talkers, whereby they used the native language to create a code that was never broken by the enemy. Historians credit the Navajo Code Talkers for helping to win World War II. The park has many symbolic structures: a circular path outlining the four cardinal directions, 16 angled steel pillars with the names of war veterans, and a healing sanctuary that is used for reflection and solitude that features a fountain made of sandstone.

I. Budget

The budget of the Navajo Nation is divided into two parts: 1) Internal budget or the General Fund budget; and 2) External budget. The Navajo Nation's General Fund budget has been averaging \$120.0 million for a number of years (see [Table No. 9A](#)). The current fiscal year's General Fund budget is estimated at \$150,458,585. Of the estimated amount, the following allocations are: \$120,638,493 (80%) for the Executive Branch; \$16,377,440 (11%) for the Legislative Branch; and \$13,442,652 (9%) for the Judicial Branch. The External budget is significantly larger than the General Fund budget as found in [Table No. 10D](#). The Navajo Nation's total budget for the fiscal year 2009 is more than \$578.0 million. Of this amount the General Fund budget is \$169.0 million or 29.41%, whereas the external budget is greater than \$408.0 million or more than 70.59%. [Table 10A thru 10D](#) shows the Nation's budget for the Fiscal Year 2009.

J. Sources of Revenue

The source of revenue for the Navajo Nation is divided into two parts: 1) internal sources of revenue; and 2) external sources of revenue. Internal revenue is also referred to as General Fund revenues and is generated from the following:

1. Internal Sources of Revenue

- a. **Mining** – The mining of coal has been the most important of revenue for the Navajo Nation. For example coal contributed: \$67.6 million in 2004; \$74.6 million in 2005; \$80.6 for 2006; \$55.7 million in 2007; and \$62.4 million for 2008 to the Navajo Nation. In Fiscal Year 2009 the contribution was \$54.9 million. [Table No. 11](#) shows the contribution shares are declining due to the closure of the Black Mesa mine. On January 1, 2006, the Black Mesa mine was closed because the Mohave Power Plant, who used Black Mesa coal, shut down its operations. Another coal mine, Pittsburgh and Midway Coal Company, closed its operation in 2008. These mine closures significantly reduces revenue generated for the Navajo Nation's General Fund. [Table No. 12](#) lists mineral production and royalty.
- b. **Taxes** - Taxes have emerged as the largest source of revenue for the Navajo Nation. In 2004 taxes contributed \$56.9 million to the Navajo Nation coffers. Respectively, in FY'2008, taxes accounted for \$70.9 million. [Table No. 13](#) depicts the amount of tax revenue generated by various taxes on the Navajo Nation.

Currently, the Office of the Navajo Tax Commission (ONTC) administers seven various types of taxes on the Navajo Nation. The following is a description of various taxes sources.

- **Possessory Interest Tax (PIT).** The PIT is a tax on the taxable value of a possessory interest granted by the Navajo Nation. A possessory interest is the right to be on the Navajo land performing a particular activity. The most common forms of possessory interests are oil and gas leases, coal leases, rights-of-way and business site leases. All possessory interests fall within one of the five classifications set forth in the statute. The Office of the Navajo Tax



Commission uses common appraisal methods to place a market value on the possessory interest. Next, the taxable value is calculated according to a classification system, where each classification's taxable value is a certain percentage of its market value. Where the tax rate of 3% is applied to the taxable value. Possessory interests with a taxable value of less than \$100,000 are not taxed. The PIT is assessed annually on August 1st, with one-half of the payment due November 1 and the remainder due the following May 1.

- **Business Activity Tax (BAT).** The BAT is another tax levied on net source gains (gross receipts less deductions) from the sale of Navajo goods or services, with the legal incidence of the tax on the party receiving the gross receipts. Navajo goods are defined as all goods produced, processed or extracted within the Navajo Nation; and Navajo services are defined as all services performed within the Navajo Nation. The taxable source gains are calculated by taking the gross receipts from the sale of such goods or services and subtracting out certain deductions: a standard quarterly deduction of the greater of \$125,000 or 10% of total of gross receipts, salaries and wages paid to the Navajos, the cost of purchasing Navajo goods or services, and other payments made to the government of the Navajo Nation. The net source gains are then taxed at a rate of 5%. The BAT is a self-reporting tax, with quarterly returns due 45 days after the end of each calendar quarter.
- **Oil and Gas Severance Tax (SEV).** The SEV is a tax charged on the removal of oil and/or gas from any lands within the territorial jurisdiction of the Navajo Nation, regardless of ownership of such lands. The first purchaser of the product is responsible for filing and paying the tax, although the owner remains secondarily liable. The tax rate is 4%. The SEV is a self-reporting tax, with monthly returns due 45 days after the end of the month.
- **Hotel Occupancy Tax (HOT).** The HOT is a tax for the amount paid for a rental of a room in a hotel, motel; or a bed and breakfast. The legal incidence of the tax is levied on the person paying for the room but the hotel has the responsibility of filing forms and paying the tax; and is responsible for filing and paying, even if the tax is not collected from the lodger. The tax rate is 8%. Navajo Nation employees on official business and Navajo Nation Council delegates on official business are exempt from the HOT, but employees of Navajo Nation enterprises are not exempt. The HOT is a self-reporting tax, with quarterly returns due 90 days after the end of the quarter.
- **Tobacco Products Tax (TPT).** The TPT is a tax on the sale of tobacco products within the Navajo Nation by a distributor or retailer. The tax rate is 40¢ per pack of cigarettes, with the rate for cigars and smokeless tobacco calculated slightly differently. The tax is collected at the distributor level. The TPT is a self-reporting tax, with monthly returns due 45 days after the end of the month.
- **Fuel Excise Tax (FET).** The Navajo Nation FET became effective on October 1, 1999. The tax has a rate of 18¢ per gallon and is administered in a manner similar to state gasoline taxes. The Office of the Navajo Tax Commission issues fuel manifests to be completed and filed by distributors, which specifies the delivery of fuel within the Navajo Nation. Distributors file tax returns and pay the tax on a monthly basis. Retailers and carriers are required to file reports including distributors, carriers, retailers and refiners to obtain appropriate licenses from the Office of the Navajo Tax Commission on a yearly basis. The FET is a self-reporting tax, with distributor's monthly returns due 20 days after the end of each month. There are also certain reporting requirements for retailers, carriers, and refiners.
- **Sales Tax.** The Sales Tax went into effect on April 1, 2002. It replaced the Business Activity Tax for most sales. Initially, the tax rate was 3% of the gross receipts. On April 1, 2008, it was raised to 4%. It is very similar to state gross receipts taxes. The tax is imposed on all sales of goods or services within the Navajo Nation, with the legal incidence on the seller; and is generally passed on to the consumer. Certain categories of sales are exempt from the tax. Construction activity is now handled under the Sales Tax. It is taxed at a rate of 4% and no



deductions are allowed; the tax rate is applied to the total gross receipts received by the contractor. The Sales Tax is a self-reporting tax, with quarterly returns due 45 days after the end of each calendar quarter. For more information, contact:

Office of Navajo Tax Commission
P.O. Box 1903
Window Rock, Arizona 86515
Tel: (928) 871-6681, Fax: (928) 871-7608
www.navajotax.org

2. External Sources of Revenue

The federal, state, private and other funds, mostly in the form of grants are the primary external sources of revenues on the Navajo Nation. Some of the funds also come in the form of services, e.g., medical and educational services, as well as, welfare benefits to the Navajo people. The External Fund accounts for a high percentage of the total Navajo Nation Budget. Contrary to the popular belief, revenue from this source has constantly increased over the years. For example, External Funds accounted for 70.65% of the total Navajo Nation revenue in FY 2009. For detail information, please see [Table No. 10D](#). [Table No. 11](#) identifies various sources of General Fund revenue for Fiscal Years 2004 to 2011.

K. Prospective Sources of Revenue

As pointed out earlier, revenues generated from mineral resources will continue to decline. The Peabody Coal Mines; the Pittsburgh and Midway Coal Mine; and the Navajo Mine account for more than \$60 million in royalties and taxes to the Navajo Nation, which is roughly 60% of the Nation's total General Fund budget.

Of the three mines, Peabody Coal has shut down its Black Mesa operations on January 1, 2006. The Pittsburgh and Midway is scheduled to close its operation in 2008, unless its current lease is renewed.

The closure of these two mining companies adversely impacted the revenues generated and loss of jobs for the Navajo Nation. The two mining operations account for more than 30% of the Navajo Nation Government's budget. Meanwhile, the Navajo Nation continues to explore alternatives on the use of Black Mesa coal and job creation.

1. Income Tax

Other sources of generating revenues are proposing an income tax. The tax will be assessed on the income earned within the Navajo Nation, similar to state and federal income taxes. Agreements with the surrounding states regarding credit against state taxes for tribal taxes paid must be explored vigorously. [Table No. 14](#) portrays level of household and family incomes, which may be quite helpful in figuring out percentage of tax as well as amount of tax revenue to the Navajo Nation's coffers.

2. Gaming

Indian gaming started with the passage of the Indian Gaming Regulatory Act (IGRA) in the October of 1988 by the United States Congress after a seemingly minor incident in California. The State of California wanted to prohibit bingo games operated by the Cabazon Band of Mission Indians which resulted in a lawsuit. The Supreme Court ruled that the State of California had no authority under Public Law 280 to enforce its bingo and card game statutes on Indian reservations because such laws are regulatory rather than prohibitory. This resulted in the passage of the IGRA, which has pleased neither the Indian tribes nor the states. Nonetheless, the law is in force. The IGRA has three main purposes: 1) To provide a basis for Indian gaming as a means of economic development; 2) To provide a basis for Indian gaming to insure that games are operated fairly for the benefit of tribes without corrupting influences; and 3) To provide a basis for federal oversight through the creation of the National Indian Gaming Commission. The law requires



states and Indian tribes to negotiate and sign a gaming compact to operate gaming operations within the boundaries of the reservation. One basic provision of the law is that a tribe will be allowed only those games to operate which are already permitted somewhere else in the state.

Since the passage of the IGRA, many Indian tribes developed a number of gaming operations across the country. In 1995 there were 215 Indian gaming operations in the United States. The number of gaming operations increased to 382 in 2007 which is a 77.67% increase over a 12 year period (see [Table No. 15A](#) for detail). [Table No. 15B](#) describes the total number of gaming operation for Indian tribe and gaming revenue. In 1995 the gaming operations generated a total of \$5.5 billion. By comparison, the number increased to \$26.0 billion in 2007, which is an increase of 373%. In 1995, eight (4%) gaming operations generated more than \$100.0 million while accounting for \$3.3 billion (44.4%) of the total gaming revenue generated. In 2007 the number of such gaming operations (with annual revenue of \$100.0 million or more) jumped to \$69.0 billion, or 18.06% of the total gaming operations and accounted for 42.31% of the total gaming revenue. The gaming operations with higher revenue increased their operations and share of the total revenue (see [Table No. 15A](#) for detail).

On the Navajo front, The Navajo Nation Council approved gaming three times; and every time, the then Presidents of the Navajo Nation vetoed the resolution recommending for a referendum on the issue. Two times gaming referenda were defeated. The third time around, the gaming was approved. The results of all the three referenda have been presented in [Table No. 16](#). After the passage of the referendum, several chapters passed resolutions to establish gaming operations within their respective chapter boundaries.

The Church Rock Chapter was the first chapter to establish a Navajo casino called Fire Rock. A Grand-Opening was held November 19, 2008 and drew a huge crowd. Since the opening of the Fire Rock casino, the projected revenues have exceeded original projections. The Navajo Gaming Enterprise is planning to expand gaming operations for the Navajo Nation.

Initially, the Tohajiilee Chapter was the first chapter to start working on opening a casino even before the third referendum. State compacts were signed with the state of New Mexico and with the federal government. In 2003, the chapter had a ground-breaking ceremony for a 100,000 square-foot casino. Unfortunately, the chapter encountered problems with right-of-ways and access to the prospective casino site which prevented the casino from becoming a reality.



Chapter II: Division of Economic Development

A. Mission Statement

The Division of Economic Development is one of 14 offices and divisions within the Executive Branch of the Navajo Nation government. The mission statement for the Division is to create an environment that is conducive in promoting and developing businesses in the commercial, tourism, industrial and other sectors of the Navajo Nation economy, thereby creating jobs and business opportunities. The Division's organization chart is depicted in [Figure II](#).

B. Objectives

To carry out the mission and its purposes, the Division has established the following objectives:

1. To promote and create employment and business opportunities in the commercial, industrial, tourism and other private sectors of the Navajo economy for Navajo individuals residing on or near the Navajo Nation;
2. To recommend the enactment, amendment, or rescission of laws, and promulgation and/or reduction of regulations to enhance economic development on the Navajo Nation, and to create a positive business environment;
3. To maintain a decentralized network of business development offices in various localities of the Navajo Nation in order to provide Navajo individuals and organizations with technical assistance in developing business plans, feasibility studies, financing, planning, loan and grant packaging, business site lease processing, business preference certification, and industrial park management;
4. To develop and manage a comprehensive financing program to expand or develop new economic enterprises on the Navajo Nation.

C. Authority and Responsibility

The authority and responsibility for the Division are:

1. Manage all funds identified for economic development in a fiscally responsible manner, and administer the Navajo Nation Business and Industrial Development Fund (BIDF) and Micro-Enterprise Lending Program (MELP) pursuant to the approved Fund Management Plans. (These two funds are administered by the Support Services Department of the DED).
2. Identify and recommend changes in the laws and regulations of the Navajo Nation or other government agencies to reduce or eliminate barriers to entry and expansion faced by new and growing business enterprises, and to eliminate regulatory and jurisdictional conflicts which inhibit the location of major industries within the Navajo Nation.
3. Manage existing and develop new industrial parks, business sites, and other lands dedicated to economic development.
4. Solicit proposals from outside businesses and industries to locate facilities and operations onto the Navajo Nation industrial parks and other sites, and assist them in implementing proposed projects.



5. Collect, maintain, analyze and disseminate information relevant to business and economic activities on the Navajo Nation (such as socio-economic data, labor market data etc.), and conduct economic feasibility studies and other technical studies to enhance economic development. These research and studies are conducted by the Support Services Department of the Division. Some of the documents prepared by the Department on a regular basis are: the Comprehensive Economic Development Strategy (CEDS) of the Navajo Nation and the BIA Labor Force Study. The CEDS is required by the Economic Development Administration (EDA) to receive funding. The Department has also prepared a document called the Navajo Nation Data from Census 2000, which contains, among others, data on demography & housing, on educational attainment and school enrollment by Chapters, on income distribution by Chapters, as well as important data on all the American Indian tribes in the United States.
6. Propose, plan, and undertake economic development projects by investing resources in ventures that add to Navajo Nation assets and provide opportunities for related business development and employment, including, but not limited to:
 - Expanding, diversifying, and privatizing the operations of Navajo Nation enterprises or other Navajo Nation owned business entities;
 - Developing tourism facilities and services to capture a major share of the tourism market of the southwest;
 - Improving industrial parks and related infrastructure to increase the attractiveness and suitability of the Navajo Nation as a place to locate business; and
 - Developing facilities and services to enhance commercial development;
7. Seek federal, state, and conventional financing for commercial, industrial and tourism projects, and develop other economic programs to enhance economic activities within the Navajo Nation;
8. Execute such directives as may be directed or authorized by the appropriate authority of the Navajo Nation consistent with Navajo, State and federal laws; and
9. Assist Navajo Nation Chapters in the execution of any and all economic development functions and authorities, which are properly delegated.

D. Personnel and Organization

The Division is composed of the following seven departments:

1. Administration Department,
2. Support Services Department,
3. Project Development Department,
4. Small Business Development Department,
5. Business Regulatory Department,
6. Tourism Department, and
7. Real Estate Department

The Regional Business Development Offices (RBDO) is responsible for carrying out the mission, objectives and functions for the Division. The RBDOs are located in:

- Chinle, Arizona
- St. Michaels, Arizona
- Tuba City, Arizona
- Whippoorwill, Arizona
- Shiprock, New Mexico
- Fort Wingate, New Mexico
- Aneth, Utah



The RBDOs is supervised by the Small Business Development Department. [Table No. 41](#) shows the RBDO's activities and [Table No. 42](#) identifies the RBDO's service area for chapters and areas.

E. Budget

According to [Table No. 19](#), entitled "FY 2009 Project Listing", it is evident that more than **\$188.5** million is required to accomplish the Division's goals and objectives. In contrast, the Division's budget allocation is insufficient to provide economic development and opportunities for the Navajo Nation. For example, the Division's General Fund budget for Fiscal Year 2009 stands approximately at \$6.4 million as opposed the unmet need of \$188.5 million. Therefore, the Division must rely on outside sources to accomplish our goals and objectives, which is difficult considering the need required for economic development for the Navajo Nation.

Despite the fact that the budget for the Executive Branch has steadily increased the amount required for economic development is inadequate. For example, the total budget increased from \$298.2 million in 2000 to more than \$520.7 million in 2009, an increase of 74. 6%. Similarly, the General Fund budget has also increased from \$79.3 million to \$120.6 million – an increase of 61.7% (see [Table No. 9B](#)).

The budget allocation for the Division of Economic Development is underfunded and has declined accordingly:

- The budget allocation for the Division is insufficient and a fraction of the total budget of the Navajo Nation. For example, the total budget of the Division was only 1.53% of the total Executive Branch Budget in 2002, 1.65% in 2003, 1.4% in 2004, 1.12% in 2005, 1.06% in 2006, 1.25% in 2007, 1.34% in 2008 and 1.23% in 2009 (see [Table No. 9B](#) for details).
- The budget has declined from 1.53% in 2002 to 1.23% in 2009, a reduction of 19.33% in case of the Total Budget. In case of the General Fund Budget, the share of the Division's budget has declined by 16.63% respectively.

Due to these reasons, the lack of resources and despite hard efforts by program staff, the Division is unable to produce substantial results in economic development for the Navajo Nation.



Chapter III: The Economy

The Navajo economy is often compared to a third world country. Speaking before the Navajo Nation Council on January 18, 1996, Senator John McCain made the following statements:

“ . . . Each of us shares a strong commitment to promote and defend tribal sovereignty, tribal self-governance, and tribal self-sufficiency.

But my friends, these things we hold dear, will wither and die unless they are watered by a strong Reservation economy that produces a decent standard of living for all our people. Unfortunately, as you well know, economic development success stories in Indian Country are still the exception and not the rule.

Most Americans would be stunned to find out that the basic necessities of life they take for granted are solely lacking on the Navajo Reservation and in many other Native American communities across the Country. No other group of Americans is more economically depressed than Native Americans, and no other areas in America suffer more from inadequate infrastructure and a lack of job opportunities than do Indian Reservations and Alaska Native villages.

Here at Navajo, your large land-base and membership magnify the destitution and socio-economic problems that infect much of Indian Country. In my lifetime I have been too many places around the world and have experienced many terrible living conditions. What is so shocking is that the social and economic conditions for many Navajos closely resemble those of people living in Third World countries.”⁵

The high unemployment rate; lack of income, paved roads, modern housing and amenities; lower education level; high poverty rate; so on and so forth; give the Navajo economy such a resemblance. It must be cautioned however, that most of the third world countries do not have any kind of safety net, e.g., welfare system, to provide perennial sources of income to the populace, as is the case with the Navajo people.

A. Assessment of the Navajo Economy

As we all know, decennial censuses are the most reliable source of many types of data including economic data, available on the Navajo Nation. Now and then, some data are made available by the Bureau of Indian Affairs as well. Since 1991, the Support Services Department of the Division of Economic Development has been continually conducting annual employment and income surveys on the Navajo Nation and providing information on the Navajo economy. Due to the Department's lack of resources, surveys are limited in assessing: 1) unemployment rate; 2) total personal income; (3) per capita income; and 4) amount of total personal income leaving the reservation without producing any Multiplier Effect.

B. Methodology

The Support Services Department has compiled a list of all the employers on the Navajo Nation. The list is updated annually. The Department sends questionnaires to all employers asking them two main questions: 1) how many people were working for them on a certain date (on December 31st of the previous year); and 2) what was the total salary and benefits paid to all the employees during the entire year. We also request for-profit businesses to report the amount of total gross revenue during the year.

The first question helps us determine the unemployment rate. The second question helps us calculate the total personal income of the Navajo people. And the third one helps us find out how much of the total income of the Navajo people is spent inside the Navajo reservation.

⁵ Senator John McCain, “Statement before the Tribal Council of the Navajo Nation on January 18, 1996. Mimeographed. P 6.



Because of the massive task involved, we do not conduct surveys to assess our Labor Force. We base our Labor Force numbers on Census data. According to the 1990 Census, 29.5% of total population of the Navajo Nation was in the labor force. This number slightly decreased to 28.46% during Census 2000. As our median age has increased, we have assumed that 30.5% of the Navajo population is in the labor force. The American Community Survey (ACS), 2007 found 50.80% of the U.S. population to be in the labor forces. The numbers for Arizona, New Mexico and Utah were 47.84, 48.02 and 50.26 percent respectively (see [Table No. 20](#) for details).

So, why is the Labor Force to Population ratio on the Navajo Nation so low?

The answer lies in the formal definition of the labor force.

To be in the labor force a person (a) has to be over the age of 16; (b) must not be institutionalized (i.e., in schools, in health or other institutions); and (c) must be looking for a job during the past four months.

The third requirement generates a special problem for the Navajo people. The Navajo Nation does not have much employment opportunities; and hence, naturally, the Navajo people cannot be looking for something that does not exist. The result is that a vast majority of the young and able-bodied Navajo individuals are dropped out of the labor force. As these people are not in the labor force, they cannot be counted as unemployed either. Do not forget - labor force is also defined as the sum of employed and unemployed individuals.

C. Unemployment Rate

The unemployment rate for the Navajo Nation is substantially higher than the U.S. National average. The following graph illustrates how the Navajo Nation's unemployment rate increased over a seven year period from 42.16% in 2001 to 50.52% in 2007 (see [Table No. 22](#) for details).

It has to be noted that unemployment situation on the Navajo Nation has stayed quite high in the face of low unemployment rate in the United States as a whole, and elsewhere in the country. [Table No. 21](#) shows the unemployment rates by the states. By comparison, the state of Rhode Island at 10% had the worst unemployment rate in 2007. At 50.52%, our unemployment rate is over 5 times higher than that of Rhode Island.

Below are five observations regarding the unemployment situation on the Navajo Nation:

- 1. The number of people employed on the Navajo Nation has remained constant over several years.** The Division of Economic Development started its survey on a regular basis in 1991. With some exceptions, the number of people employed on the Navajo Nation has hovered around 30,000 (see [Table No. 22](#)). In 2001, the number of people employed was slightly higher than in most of the years. However, this increase in employment figure was due to Youth Opportunity Grant (YOG) Program under the Welfare Act of 1996, and not because of enhanced employment opportunities. Under this program the tribe hired a large number of young individuals to provide them on the job training (OJT).

While the number of jobs has stayed relatively constant, more and more people have entered the labor market each year. As a result, the unemployment rate has steadily increased. In 1990, the unemployment rate on the Navajo Nation was 27.9%. It rose to 42.16% in 2001 and to 50.52 percent in 2007 respectively (see [Table No. 22](#)). A few years ago, we estimated that the Nation had to create 3,544 jobs each year to maintain the status quo, i.e., to stay at the same level of unemployment rate. Naturally, to take a bite on the existing unemployment rate, we must create more than 3,544 jobs a year. Unfortunately, we failed to meet our initial projections.
- 2. Most of the jobs are in the "Support Industries".** The backbone of any economy is its "Basic Industries", which is defined as industries that help bring money from outside. Manufacturing and Agriculture are normally considered to be the leading 'Basic Industries'. Here, on the Navajo Nation, Tourism and Mining can be added to the list. Regrettably, 'Basic Industries' are very few and far between on the Navajo Nation. Manufacturing accounted for 287 jobs in 2007; whereas, Agriculture and Mining accounted for 241 jobs and



1,165 jobs respectively. Thus Manufacturing, Agriculture and Mining accounted for 0.93%, 0.78%, and 3.77% of the total employment respectively (see [Table No. 23A](#) for detail). Manufacturing and Mining accounted for 8.10% and 1.50% of the total employment in Arizona, 5.50% and 3.90% in New Mexico and 11.30 and 1.80% of the total employment in U.S.. Employment figures for Agriculture have been included in mining (see [Table No. 23B](#)).

3. **The actual Unemployment rate is substantially high.** Unemployment rate is calculated by dividing the number of people unemployed by the Total Labor Force, and then multiplying the result by 100. The number of people unemployed is derived by deducting the number of people employed from the total labor force. Again, to be in the labor force a person (a) has to be over the age of 16; (b) must not be institutionalized (i.e., in schools, in health or other institutions); and (c) must be looking for a job during the past four months. It means larger the labor force, ceteris paribus, higher the unemployment rate.

The definition of labor force plays a decisive role in determining the number of individuals in the labor force. Let us illustrate how the labor force impacts the number in the labor force in the following example:

Let us assume that,

*A = Number of People Employed;
B = Number of People Unemployed; and
C = Labor Force, or $C = A + B$.*

*Then, the Unemployment Rate = $B/C * 100$, or $\{(C - A)/C\} * 100$.
This is so because $C = A + B$ and hence, $B = C - A$.*

According to the American Community Survey (ACS) 2007 of the U.S. Census Bureau, 50.80% of the U.S. Population is in the labor force (see [Table No. 20](#)). The 2007 Population of the Navajo Nation is estimated to be 204,698 by the Support Services Department of the Navajo Nation.

If we were to apply the U.S. percentage of individuals in the labor force, then our labor force in 2007 would be 103,987 ($204,698 * .5080$). Based upon our research we concluded that a total of 30,890 individuals were Employed on December 31st of 2007.

Thus our $A = 30,890$. That means that $103,987 - 30,890 = 73,097$. Approximately, 73,097 individuals were Unemployed. Therefore, our Unemployment Rate would be $73,097/103,987 * 100 = 70.29\%$.

However, we consider only 30.5% of the Navajo population to be in our labor force based on the third requirement where a person must be looking for a job to be included in the labor force. As many of the people are not looking for jobs on the Navajo Nation for lack of employment opportunities, we consider only 30.5% of the Navajo people in the labor force. Thus our labor force is only 62,433 ($204,698 * .305 = 62,433$). And so, our B equals to 31,543 ($62,433 - 30,890$), and our Unemployment Rate equals to $(31,543/62,433) * 100 = 50.52\%$.

Depending upon the size of the labor force, the number of unemployed people keeps changing and so does the Unemployment Rate. The number of people employed does not change. I must reiterate here that the true unemployment rate is a lot higher.

Though it is quite sad that our unemployment rate is so high, it has one benefit though. According to the law related to Temporary Assistance to Needy Families (TANF) - Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193), popularly known as Welfare Reform Act of 1996, a person cannot receive TANF benefits for more than 5 years in his/her life-time. The law also allows the states to choose their own time limits. Arizona and New Mexico have chosen 5 years as lifetime time limit, whereas Utah has chosen only 3 years. All this means that a TANF recipient, let us say in Arizona, can get TANF benefits for 3 months at one time, then 7 months at another, and so on. This recipient will receive benefit for a total of 60 months in his/her lifetime. After that he/she cannot get this benefit. However, if it is an American Indian residing inside a reservation, and if the unemployment rate of the reservation is over



50%, this law does not apply and the person can keep getting TANF benefits forever and ever. Criteria for time limit exemptions and extensions vary by state.

4. **Actual Unemployment rate is overstated.** The Navajo Nation seems to have a strong underground economy, which goes unreported. For example, if John Doe fixes Jim's truck, and in exchange, Jim paints John Doe's house; the whole process goes unreported and falls under the category of underground economy. It is estimated that 22.2 to 24.4% of the U.S. economy is unreported. On the Navajo Nation too, many of the activities directly related to the creation of GDP are not reported, nor are the people involved considered 'employed'. If we assume that underground economy accounts for 22.2 to 24.4% of the Navajo economy then our unemployment rate (assuming that each percent of economy corresponds to same percent of employment rate) drops to 28.32% to 26.12%.

Some examples of the activities related to underground economy are as follows:

- A significant number of arts & crafts vendors who sell their crafts at various road side stalls, at places of tourist attraction, and, wherever they can find customers - both inside and outside of the Navajo Nation. Officially, they are neither employed, nor does their income counted towards the computation of personal income.
- Additionally, a number of food stalls and other vending stalls similar to those mentioned above at the corner of Hwy. 264 and Hwy 12 in Window Rock and in almost all the major communities of the Navajo Nation. According to knowledgeable sources, these stalls definitely provide a very decent living to the owners. However, their income is not counted towards the calculation of the Navajo personal income, nor are they officially employed.
- There are also a number of Navajo people who work outside the Navajo Nation, primarily as railroad workers. Many of them work for a few weeks at a time and then return home with a good chunk of money. After relaxing for a while, off they go again. These people are neither officially employed, nor are their incomes added to the total personal income of the Navajo Nation.

A note of caution has to be made regarding those people who live on the reservation, but are employed in the neighboring towns, or somewhere else. Right at the very outset of the survey, it was decided by the Survey Team to ignore such people, because as many people commute to work onto the Navajo Nation from outside the reservation as well. Also, it will be almost impossible for the Support Services Department, with its limited resources, to compile such figures.

Census 2000 had found 2,702 self-employed individuals on the Navajo Nation with an aggregate income of \$23,454,300.0. (Note: ACS 2007 does not have this number).

5. **A belief that most of the jobs on the Navajo Nation is in Government sector is erroneous.** This is a common belief among many of the political leaders and government officials that 80% of the jobs on the Navajo Nation are in the Government sector. This is not true. Here are the facts. On December 31, 2007; 8,214 individuals were directly working for all kinds of Governments combined - Navajo, Federal, State, County, and so on. This amounted to 26.59% of the total employment on the Navajo Nation. An additional 15,215 individuals were employed in Service Sector which usually encompasses educational and medical establishments. As these educational and medical establishments are run by the Federal, the State and the Navajo Governments - BIA schools and IHS hospitals & Clinics are run by the Federal Government; public schools are run by the states of Arizona, New Mexico and Utah; and quite a few of the schools, and medical establishments are run by the Navajo Government as well - employees at these establishments get their pay checks from one or another form of Government. Thus, a total of 15,215 Service Sector employees were somewhat related to the Government sector in 2007. If we add all together, we find that a total of 23,429 individuals were directly or indirectly getting their paychecks from one or another type of government in 2007, which amounts to 75.85% of the total employment on the Navajo Nation. Then, we will have to do similar calculation for the US, Arizona and New Mexico. Otherwise, we would be comparing apples and oranges. In nutshell, Government Sector accounts for only 26.59% of the total employment as opposed to the common belief of 80%. The figures for Arizona and New Mexico are 4.70%, and 7.20%, respectively



(see [Table No. 23B](#) for detail). [Table No. 23A](#) presents employment figures, as well as the number of employers and total salary and benefits on the Navajo Nation by sectors of economy.

D. Per Capita Income

Over the years, the unemployment rate on the Navajo Nation has deteriorated from 27.9% in 1990 to 42.16% in 2001 and to 50.52 percent in 2007. Despite a higher unemployment rate, the Per Capita Income has been steadily growing. This is attributed to the raises given particularly to the Navajo government employees in certain years as well as to the regular COLA's given to the Federal, State, and other government employees.

[Table No. 21](#) compares the unemployment rate and Per Capita Income, Median Household Income and Median Family Income of the Navajo Nation with those of the US, and all the states. As can be seen from the table, the unemployment rate on the Navajo Nation was more than 7 times higher than that in Arizona and more than 10 times higher than in New Mexico. On the other hand, the Per Capita Income on the Navajo Nation was substantially less than that in Arizona or New Mexico.

E. Poverty Rate

A high unemployment rate, and hence low income, has resulted in very high Poverty Rate on the Navajo Nation. The ACS 2007 found that 36.76% of the Navajo individuals were living below poverty level. The numbers for the Arizona, New Mexico and Utah were 14.16%; 18.13% and 9.65% respectively. [Table Nos. 27A and 27B](#) provide data related to poverty.

F. Leakage of Navajo dollars to the border towns

Lack of retail outlets is one of the major problems faced by the Navajo people. A survey by the Support Services Department of the Division shows that only around 36% of all the Navajo monies are spent inside the reservation. In other words, over 64% of the Navajo money is spent in off-reservation communities (see [Table No. 22](#)). This is simply because the Nation lacks wholesale and retail outlets. In remote areas, the problem is further exacerbated by lack of transportation. A ride to Gallup from Low Mountain, for example, costs as much as \$60.00 round-trip, provided some vehicle owner volunteers to make the trip. This causes great hardship, particularly to the elderly. The problem typically sky rockets during the winter.

There are basically two entities on the Navajo Nation, which have been working very diligently to solve this problem.

1. Navajo Nation Shopping Centers

The Project Development Department of the DED continues to help individuals and businesses to establish retail outlets throughout the Navajo Nation, particularly in major Growth Centers. Its primary focus is to construct shopping centers, and once the construction is complete, and the shopping center is ready to be leased out to business people, it is handed over to the Navajo Nation Shopping Centers (NNSC), which is tasked with administering the shopping centers. Until recently, we had 9 shopping centers. A new shopping center, located in Dilkon, became operational in 2002, bringing the total number of shopping centers to 10. After a number of attempts, the NNSC has finally succeeded in its endeavor to become an independent enterprise of the Navajo Nation. Now the NNSC is in a position to manage its program affairs independently and efficiently without any influence from other Tribal Offices. [Table No 30](#) sheds light on the activities of the shopping centers across the Nation overseen by the Navajo Nation Shopping Centers.



2. TSÉYI' Shopping Center

The TSÉYI' Shopping Center in Chinle, which is wholly owned and operated by a for-profit subsidiary of Dineh Cooperatives, Incorporated (DCI), is the another entity which has tirelessly promoted retail business development on the Navajo Nation.

In 1977, at the urging of the Chinle community, DCI began the phased development of the Tséyi' Shopping Center. Strategically located in the heart of the Navajo Nation, the Center is readily accessible to over one-fifth of the Navajo Nation's 208 thousand residents and to Canyon de Chelly's 800,000 annual visitors.

Since the blessing by a Navajo Medicineman in March 1981, the 67,000 square feet Center has been a hit with more than 35,000 residents in its market area and has been expanded four times. Current tenants include Bashas' Diné Supermarket, U.S. Postal Service, Rent-A-Flik, Chinle Laundromat, Pizza Edge, King Dragon, H & R Block, Wells Fargo Bank, Social Security Administration, AHCCCS, USDA Natural Resources Conservation Service, Northern Arizona University, Diné College, and Ferrellgas. Additional retail and office space will be constructed over the next five years until the 15-acre site is fully occupied.

Managed by DCI Shopping Center, Incorporated (DCISCI), this was the first full-service shopping center in the Navajo Nation, and has served as a model for the development of shopping facilities in other Navajo Nation towns. A unique master lease arrangement allows tenants to lease space directly from DCISCI without having to obtain BIA or tribal approval.

In June 1987, the Tséyi' Shopping Center received the U.S. Department of Housing and Urban Development's highest award and the first ever presented to an Indian community development corporation or an Indian Tribe — the Award for National Excellence.

The Center provides employment for over 180 people and generates sales surpassing \$17.5 million.

G. Employers

There are over 800 employers on the Navajo Nation including various Navajo Nation government offices, the chapters, as well as, the Navajo government offices located in off-reservation communities. If we exclude these Navajo Government offices, the number of employers comes down to 636, of which 213 are Navajo-owned and 423 are owned by non-Navajos (see [Table No. 29A](#)).

The backbone of any economy, as mentioned above, is its Basic Industries; of which Manufacturing is the most important one, because it has a very high multiplier effect. It has been calculated that creation of one job in Manufacturing creates 3 jobs somewhere else. According to Standard Industrial Classification (SIC) code, 7 establishments on the Navajo Nation fall into the category of Manufacturing. However, only FOUR of these – Raytheon Missiles Company, Tooh Dineh Industries, Cabinet Southwest, and Gallup Camper Sales Manufacturing - can be considered as manufacturing companies in the true sense of the word.

Agriculture is another sector in the Basic Industries. Though there are a number of tiny farms scattered across the nation, only the Navajo Agricultural Products Industry (NAPI) can be considered as belonging to Basic Industries.

Then, there are 13 hotels and motels on the Navajo Nation, whose primary source of revenue are tourists. This sector has very high potential for development. But, at the moment, hotels and motels constitute a very small fraction of the Navajo economy. [Table Nos. 33A and 33B](#) give a picture of the lodging facilities on the Navajo Nation and in the border-towns.

Service sector, which includes all the schools, hospitals, and hotels and motels, is the most dominant employer on the Navajo Nation. On December 31, 2007, this sector had a total of 272 employers (33.29% of the total employers). Total number of people employed by this sector was 15,215 or 49.3% of the total employment on the Navajo Nation. Government sector had 236 employers (28.9% of the total employers) including Chapter houses



and Navajo government offices (including those in the off-reservation communities), and with 8,214 individuals employed, this sector accounted for 26.6% of the total employment on the Navajo Nation. Sector by sector employment and related figures have been presented in [Table No. 23B](#).

1. Government

- The Navajo Nation government is the largest employer on the Navajo Nation. In 2007, the Navajo government employed approximately 7,316 individuals, of which 7,175 (98%) were Navajos and 141 (2%) non-Navajos. It had employees at 181 locations including all the chapters. The total salary and benefits disbursed amounted to \$209,594,999.
- The Navajo Area Indian Health Services (NAIHS) is the second largest employer. A total of 3,488 individuals were employed with the NAIHS, of which 2,769 were Indians and 719 non-Indians. These numbers do not include individuals who were employed in Gallup or in Winslow.
- In terms of numbers of individuals employed, State of Arizona occupied the third position. A total of 3,417 individuals were employed with the State of Arizona, of which a vast majority of were employed with the various school districts run by the State of Arizona.
- Office of Indian Education Program under the Bureau of Indian Affairs ranked fourth in the large employers list. Agency offices and schools run by these agency offices employed a total of 2,850 individuals all across the Navajo Nation, of which 2,328 were Indians and 522 non-Indians. These numbers do not include individuals employed by the Navajo Region Bureau of Indian Affairs in Gallup.
- In terms of the number of people employed, State of New Mexico ranked fifth in our list of large employers. It had a total of 1,332 employees, of which 619 were Navajos and 713 were non-Navajos. Most of these individuals were employed with various schools run by the State of New Mexico. Table No. 31 lists all the major employers on the Navajo Nation.

Major employers can be divided into two broad categories – (a) Tribal Enterprises and (b) Private Sector enterprises.

2. Tribal Enterprises

There are 13 enterprises on the Navajo Nation, which are owned and operated by the Navajo tribe. These tribal enterprises have been listed in [Table No. 32](#). Some of these enterprises are also the major employers on the Navajo Nation, and have been described below:

- **Dineh Power Authority.** The Dineh Power Authority (DPA) is an enterprise created by the Navajo Nation Council pursuant to resolutions CN-87-85 and CJA-2-96. The authority of DPA is codified at 21 N.C.C. § 201 *et seq.* DPA is authorized to participate in energy development projects that provide ownership, design, financing, and operation of the projects; and to sell, wheel or distribute power, energy and transmission services from these projects. The DPA was established to conduct overall development and operations of high-voltage transmission lines, related transmission facilities, switchyards, substations, electric generation production, renewable energy research and development related to power and energy development on the Navajo Nation, and to vertically and horizontally integrate the Navajo Nation's power, utility and resource infrastructure. DPA is deemed necessary and desirable in order to promote the development of the Navajo Nation's resources and new sources of electric energy and transmission capacity, to develop the social, economic and cultural well being of the Navajo People. DPA currently has three energy projects in the development stages:



- **Navajo Transmission Project (NTP)**, a 469-mile, three segment (*segment 1: 189 miles, segment 2: 62 miles, segment 3: 218 miles*), 500 kV, AC high-voltage transmission line beginning in the Four Corners area of Northwestern New Mexico and ending in Marketplace, NV.
- **Desert Rock Energy Project (DREP)**, an up to 1,500 Mw, ultra-super critical, mine-mouthed, coal-fired generation plant located near the southern boundaries of the Nenahnezad Chapter of the Navajo Nation and;
- **Diné Wind Project (DWP)** a series of wind farms ranging in size from 50 Mw to 200 Mw with opportunities to expand at all locations. Phase One of DWP will focus primarily in the western and northern areas of the Navajo Nation.

By far, the most productive energy project is the mine-mouthed, coal-fired power plant called Desert Rock. DPA is working with Houston-based Sithe Global LLC and has embarked on developing up to 1,500-megawatt power plant at a cost of \$2.8 billion. The plant will be located on 600 acres of tribal land in Nenahnezad Chapter. Construction of the plant is projected to begin in the summer of 2009 and going on-line in 2013

The air permit for the Desert Rock Energy Project is the most stringent of any permit issued in the U.S. *"The emission limits required by the EPA's proposed permit for the Desert Rock power plant, planned by Sithe Global, Inc. and the Navajo Nation, are some of the most stringent in the country and would set a new level of performance for coal-fired plants in the United States."* U.S. EPA, July 19, 2006

The economic benefit to the reservation is projected to be very substantial. Benefits expected from the Desert Rock Power Plant without any capital investment in the project by the Navajo Nation are:

- ❑ Navajo taxes and coal royalties of more than \$50.0 million annually.
- ❑ Total wages to exceed \$550.0 million.
- ❑ Total New Mexico Gross Receipts of over \$33.0 million taxes.
- ❑ Multiplier effect will generate additional \$316.0 million.
- ❑ An average of 1,000 construction jobs per year over the 4-year construction period.
- ❑ Approximately 200 permanent jobs for the plant operations and an additional 200 permanent jobs for the mining operations.

(Source: Desert Rock Energy Project FACT SHEET 2nd Edition produced by the Dine' Power Authority and Sithe Global)

The project will also invest approximately \$25.0 million in road, water, and other infrastructure in the area. In accordance with the Large Water User Agreement a community well will also be drilled providing up to 450 ac./ft./annum to the wellhead for the local communities.

The Navajo Nation and Diné Power Authority also have the opportunity to acquire up to 25% equity in the Desert Rock plant. The additional 25% interest would mean extra tens of millions of dollars per year to the Navajo Nation coffers as well.

Significance of Desert Rock Energy Project increases dramatically when we take into consideration the closure of the Black Mesa Coal Mine. Closure of this mine has resulted in the loss of 165 high paid jobs, and a severe drop in the revenue to the Navajo Nation coffers. This proposed Power Plant will not only replenish the lost revenue and jobs, it will create additional revenue to the Navajo Nation Government and additional jobs to the Navajo people.

Furthermore, it has to be mentioned that the economic impact of such huge operation is very large. It has been estimated that every dollar of activities in such huge operation generates over \$2.7 worth of other economic activities in the community.

With the addition of the NTP and the Diné Wind Project, DPA and the Navajo Nation will set new standards for energy development on Native American lands and will also lead in the development of



new agreements and contracts that will get away from the flat rate agreements entered into when BIA controlled most of the deal making. DPA realizes that in today's world, there is an immediate need to combine and balance today's technology with the available natural resources to create an economic development process that will provide for the Navajo Nation, and its peoples immediate economic needs, as well as produce and nurture social growth that has future needs and environmental obligations in mind. The new standard is now to develop energy projects on the Navajo Nation that will strengthen economic development, enforce environmental stewardship and support and incorporate social responsibility. The trend for the Navajo Nation in moving forward is to now join in active partnership with the energy companies and not just act as "landlords" collecting rent.

- **Navajo Arts & Crafts Enterprise.** Crafts have long been an important enterprise for America's First People. Because there was no common currency among the tribes, Native American bartered and traded among themselves and with their neighbors. The Navajo traded crafts with Zuni, Pueblo, Ute, Apache, Hopi and other tribes long before Europeans entered the Four Corner's Region.

To protect craft traditions and the livelihood of its artisans and craftspeople, Navajo leaders created Navajo Arts & Crafts Guild at Fort Wingate, New Mexico in 1940. Today, the organization is called *Navajo Fine Jewelry and Collectibles* and is headquartered in Window Rock, Arizona. Navajo Arts and Crafts Enterprise (NACE) is a non-profit business wholly owned by the Navajo Nation, and is the only Navajo Nation-owned business representing the cultural heritage of the Navajo people thru the sale of Navajo arts and crafts to the general public.

At the present time NACE operates retail stores in Chinle, Cameron, Kayenta, Navajo National Monument, Shiprock, and in Window Rock. NACE also has a catalog and web site, www.gonavajo.com. NACE also operates an important production shop and repair facility within the Window Rock store. The shop facility facilitates custom jewelry fabrication, jewelry repair and restoration services. In addition, in Window Rock, NACE also offers engraving, embroidery and leather crafts.

As was the case when the arts and crafts guild was first created more than 60 years ago, today's Navajos are alarmed at the volume of counterfeit products flooding the Four Corner's region and the world. Many of the products sold as authentic handmade Navajo crafts are, in fact, machine-made offshore or made by non-Navajos. Navajo elders are astonished at the number of consumers traveling Route 66 (Interstate 40) across New Mexico and Arizona who eagerly purchase fake products from roadside vendors and hotel curio shops, indifferent to the fact that many of their purchases are bogus.

Today, NACE provides the conscious consumer with the opportunity to purchase directly from the Navajo Nation, and doing so provides an important livelihood to the artisans who rely heavily on the sale of their crafts to sustain their family.

- **Navajo Agricultural Products Industries.** Navajo Agricultural Products Industries (NAPI) was established in 1972 to develop the agricultural economy of the Navajo Nation. It is the sole commercial agribusiness enterprise on the Navajo Nation and is responsible for utilizing the canal system of the Navajo Indian Irrigation Project (NIIP) to irrigate crops on 110,000 acres of farm land. Currently, 70,000 of the planned 110,630 irrigable acres have been developed. Its products are sold throughout the United States, Mexico, and other international markets using the "Navajo Pride" trademark. Commodities marketed under the Navajo Pride brand name include alfalfa, wheat, potatoes, barley, corn, beans, pumpkins/squash, popcorn, apples, cherries, apricots, straw-bales, flour, pellets, bagged feed, high moisture corn, durum wheat, and more. Some of the NAPI's nationally recognized customers include Frito-Lay, Del Monte, and Purina. Crop revenues support all NAPI operations.

NAPI is a major employer of the region, employing 125 full-time and up to 375 seasonal employees during peak season. Subcontractors, joint venture partners of NAPI and independent truckers employ additional 200 workers.



As a member of the four corners community and San Juan County, NAPI contributes a remarkable diversity to a region where the oil and gas industry dominates the market. NAPI takes pride in serving the local communities of Farmington, Bloomfield, Kirtland, Ojo Amarillo, Shiprock, Fruitland and Aztec; along with many other Navajo communities within a two hundred mile radius of the facility.

The total economic impact of \$199,051,691 for 2002 through 2004 illustrates NAPI's financial support for the local economy in the economic region. This would include the Navajo Indian Irrigation Project (NIIP) expenditures, Employee expenditures and Contract expenditures. Other benefits from NAPI and NIIP include 287 miles of road systems, four housing projects, electrical and gas utilities, both for the public and the industry.

- **Native Broadcast Enterprise.** As a tribally owned for-profit enterprise, Native Broadcast Enterprise (NBE) is governed by a Plan of Operation, which is approved by the Economic Development Committee (EDC) of the Navajo Nation Council. The Economic Development Committee has oversight authority over a five-member NBE Management Board. Currently, NBE employs 21 individuals. All of them are Navajos. NBE also employs various other individuals on temporary basis as needed.

NBE's revenues are generated from sales of advertising spots to businesses in all communities within the Navajo Nation and border towns, including Albuquerque, NM and Phoenix, AZ. NBE competes with other media such as other radio stations, print media, yellow pages, and television for the same Navajo dollar.

KTNN-AM, a component of the Native Broadcast Enterprise, is a 50,000-watt AM clear channel commercial radio broadcast operation licensed to the Navajo Nation by the Federal Communications Commission (FCC). KTNN operates on AM frequency 660 kilohertz. 50,000 watts is the strongest radio signal allowed for an AM commercial broadcast radio station in the United States. The Navajo Nation is recognized as the only Indian nation licensed to operate a 50,000-watt AM broadcast facility.

KTNN is engaged in the delivery of bilingual (Navajo and English) information and entertainment to the Navajo Nation during its daytime broadcast operations. KTNN radio's daytime coverage encompasses the entire Navajo Nation. At sunset, KTNN is required by FCC to go directional, blocking its broadcast signals to the east and directing all its radio signals westward; however, at night, KTNN's radio signal expands to cover most of the western United States, including parts of Canada and Mexico.

KWRK-FM, another component of the Native Broadcast Enterprise, is a 100,000-watt FM radio broadcast operation providing services to the general population in and around Window Rock, Arizona. KWRK radio operates on FM frequency 96.1 MHz. The current format for KWRK-FM radio is contemporary country and western hits.

The 100,000-watt signal reach for KWRK is a 70-mile radius encompassing communities of Ganado, Houck, Window Rock, Fort Defiance, Sheep Springs, and Gallup.

- **Navajo Engineering and Construction Authority.** On June 13, 1972, the Navajo Nation created the Engineering and Construction Authority (NECA) as an enterprise of the Navajo Nation. Since that time NECA has developed into one of the most capable heavy construction/highway contractors operating within the boundaries of the Nation. The primary purpose of NECA is to provide Navajo Nation owned enterprise construction capabilities on behalf of, and for the benefit of the Navajo people, as well as to provide increased financial benefit to the Nation and to provide employment and training to the people of the Nation. The established place of business for NECA is Shiprock, NM.

NECA is a financially sound organization that possesses excellent bond and credit ratings. It provides a wide variety of construction services for its clients, and operates primarily within the



boundaries of the Navajo Nation. Annual revenues have exceeded \$60.0 million for the past several years. The majority of NECA's activities involve the construction of infrastructure projects including roads, highways, bridges, dams, waterlines, sewer-lines, water-tanks, irrigation facilities, and water/wastewater treatment facilities. Over the years NECA has also performed a significant amount of reclamation work for the uranium and coal industries. NECA owns an extensive equipment fleet that is well maintained and continually upgraded.

NECA also enjoys the benefits of an experienced and well trained workforce. As a construction company operating in a seasonal environment, employment levels at NECA fluctuate throughout the year. In the winter months employment levels drop significantly since construction activity typically slows during this time of the year. In the spring, summer, and fall months, our employment peaks at nearly 600 full-time employees. Our annualized average employment levels typically approach 500.

NECA has successfully supported the economy of the Navajo Nation through the creation of hundreds of jobs for the Navajo people. These jobs have provided stability for the individual workers and their families, as well as generated millions of dollars annually in wages. In recent years, total payrolls have exceeded \$14.0 million annually. These payrolls in turn provide employees the opportunity to support local businesses in their communities. NECA has consistently demonstrated an ability to perform profitably, and has returned dividends to the Navajo Nation annually since 1992.

- **Navajo Housing Authority.** The Navajo Nation designated the Navajo Housing Authority (NHA) as the Tribally Designated Housing Entity (TDHE) pursuant to the statutory provisions of the Native American Housing Assistance and Self Determination Act of 1996, (NAHASDA). According to Section 4(21) of NAHASDA, the NHA is responsible for developing and submitting the Indian Housing Plan in cooperation and coordination with other housing and development entities within the Navajo Nation.

Since 1963, the NHA has provided a major and vital role on the Navajo Nation by assisting Navajo families with housing assistance and homeownership opportunities. NHA's primary mission is to construct, maintain and manage homes that are decent, safe and sanitary for the Navajo Nation; and to continue on expanding services in the housing industry.

For the past 45 years, NHA has developed its administrative and management capacity in the Indian housing business, which evolved from a small operation budget with 10 personnel who developed the first 60 homes in Shiprock, New Mexico. Presently, the NHA manages over 6,000 homes with at least 700 units in various phases of planning, design services, or construction; and has effectively administered its regulatory responsibilities under the 1937 Housing Act and NAHASDA guidelines. With the assistance of various non-profit entities, additional affordable housing services and development activities have been made possible through sub-grants of NAHASDA funds.

Today, the NHA is the largest Indian Housing Authority in the United States, establishing exemplary programs, providing professional management services and developing model housing projects. Professional capacity is provided through training at regional and national conferences for other Indian housing authorities.

The implementation of NAHASDA block grant funding has reinvigorated many Navajo communities on the reservation with a synthesis of public rental and homeownership opportunities. Since 1998, NHA has distributed nearly an average of \$89.25 million of housing funds on the Navajo Nation for various housing activities, including the recent development of land use plan funding of \$3.5 million for all Navajo Nation Chapters. Each Chapter received \$40,000 for land use planning.

NHA employs 431 individuals with a total salary and benefits of approximately \$12.0 million.

- **Navajo Nation Hospitality Enterprise.** In October 1982, the Navajo Tribal Council established the Navajo Nation Hospitality Enterprise, as an enterprise of the Navajo Nation. The Enterprise is organized for the purposes of establishing an independent, financially self-sustaining, and successful



Navajo business enterprise which will generate revenue for the Navajo Nation, provide employment and training opportunities to the Navajo people, provide commercial office space, and provide professional hotel and restaurant services and quality facilities to the traveling public.

At the time of establishment, NNHE consisted of one property - the Navajo Nation Inn, located in Window Rock, Arizona. NNHE has grown significantly during the past years. The growth includes conversion of the Navajo Nation Inn to the Quality Inn in Navajo Nation Capital. Additionally, three new properties have been built or acquired - Navajo Travel Center, Tuba City Quality Inn and the Quality Inn-Lake Powell. Descriptions of the NNHE properties follow:

Quality Inn, Window Rock Arizona

- 56 room hotel
- 260 seat restaurant
- Gift shop
- 11,548 square foot office complex

The guest rooms were renovated, and the Navajo Nation Inn became a franchise of Choice Hotels International in May 2005. Additionally, high speed internet was added to all guest rooms. The Quality Inn – Navajo Nation Capital employs approximately 72 people and has revenues of approximately \$2.5 million annually.

Navajo Travel Center, Navajo Arizona

Navajo Travel Center, Navajo Arizona encompasses Shell service station, a convenience store and a Subway restaurant. The Navajo Travel Center employs approximately 19 people, and has revenues of approximately \$4.2 million annually. The revenues of the Travel Center have grown from \$1.4 million in 1996, the first full year of operations.

The Navajo Travel Center was designed and built by NNHE. The site is leased from the Office of Navajo Hopi Indian Relocation (ONHIR). The lease includes an option for additional land for further expansion. The project was funded by a loan from the Division of Economic Development and a grant from ONHIR. The convenience store inventory includes novelty gift shop items including T-shirts, Route 66 memorabilia, hot sauces, toys, books, magazines and so on.

Quality Inn, Tuba City, Arizona

- 80 room Quality Inn Hotel
- 325 seat Hogan Restaurant
- 31 space recreational vehicle park, including 5 tent spaces
- Tuba City Trading Post and Convenience Store
- The operations include approximately 6 acres of land

The Tuba City Operations employ approximately 89 people and has revenues of \$4.0 million annually.

Quality Inn, Lake Powell, Page, AZ (Purchased July, 2005)

- 130 room Quality Inn Hotel
- 120 seat Restaurant and Lounge
- Gift Shop

The Quality Inn – Lake Powell employs approximately 36 people and has revenues of approximately 3.5 million annually.



The future plans for the Navajo Nation Hospitality Enterprise include continued upgrading of facilities and further hotel acquisitions.

- **Navajo Nation Oil & Gas Company.** The Navajo Nation Oil and Gas Company (NNOGC), chartered under the Navajo Nation Corporation Code, began operations in January 1995 after the Navajo Nation authorized the establishment of the Company in December 1993 by Resolution EDCO-89-93. In December 1997, NNOGC's federal articles of incorporation were approved by the Secretary of Interior, and the Navajo Nation Council ratified the charter by resolution in December 1998. NNOGC is wholly owned by the Navajo Nation with its interest represented by Shareholder Representatives comprised of one member from each of the 11 standing committees of the Navajo Nation Council. The Navajo Nation's initial investment was \$500,000 for the development and implementation of NNOGC's operations. In 1999, NNOGC returned the Navajo Nation's original investment of \$500,000 in the form of dividends.

In 1999, NNOGC was delegated the authority from the Navajo Nation government to negotiate a gasoline excise tax sharing agreement with the State of Arizona. Negotiations resulted in an agreement between the State of Arizona and the Navajo Nation. The Navajo Nation would impose its own gasoline excise tax of 18 cents per gallon for all gallons sold on the Navajo Reservation in Arizona portion, and that the tax would be divided with 0.6 cents for the State of Arizona and 17.4 cents for the Navajo Nation. Subsequently, the Navajo Nation Council enacted the Navajo Nation Fuel Excise Tax and executed the tax sharing agreement as negotiated by the Company. The Fuel Excise Tax results in approximately \$14.0 million per year of tax revenues for the Navajo Nation treasury. The Council passed a resolution dedicating this income stream for road construction and maintenance.

NNOGC's upstream and midstream operations include exploration, production and transportation. NNOGC has been aggressively expanding these upstream business units. Producing properties have been purchased over the last 5 years with the majority from the acquisition of a portion of the Chevron/Texaco assets in November 2004 and the Exxon/Mobil assets in April 2006. NNOGC owns approximately 25% interest in the Aneth, McElmo and Ratherford units of the Greater Aneth Field. Other producing properties include 50% interest in Tohonadla field and 45% in Desert Creek Anticline field. NNOGC currently has over 2,300 BOE per day of production.

In 2002, the Navajo Nation Council approved the first new operating agreements on Navajoland in 20 years and the first exploration projects for NNOGC; Echo House Mesa and Canal Creek tracts. NNOGC also operates two wells for the Navajo Nation under a well service agreement. Since 1995, NNOGC markets the Navajo Nation's royalty oil benefiting the Nation by capturing premiums above the Four Corners crude oil posted prices.

In May 2002, NNOGC purchased from Giant Pipeline Company, the former Texas-New Mexico Pipeline that runs from Aneth, UT to two refineries that refine crude oil produced on and near the Navajo Reservation. The pipeline is the Running Horse Pipeline (RHP) which consists of 87 miles of DOT regulated 16" main line and 37 miles of gathering lines in the area. RHP transports approximately 14,000 barrels of oil per day (BOPD) of crude oil from the Greater Aneth area. NNOGC contracts with Western Refinery (Giant) to market Navajo Nation royalty oil and other oil production.

NNOGC's downstream operations include Wholesale and Retail Operations. NNOGC secured the Chevron distributorship in 1996. Chevron's reputation for quality products, service and image enhance NNOGC's market position. NNOGC has also augmented the downstream business unit with the addition of rights as a marketer under the Texaco brand to compliment its Chevron-branded stations. NNOGC's fuel jobber ship distributes products supplied directly by Chevron and Texaco, and unbranded products, supplied by Giant Refinery. NNOGC services 10 Chevron/Texaco locations on the Navajo reservation. Of the 10 locations, three are wholesale and seven are retail. The seven retail operations include Chevron convenience stores located in Window Rock, AZ; Chinle, AZ; Kayenta, AZ; Blue Gap, AZ; Tohatchi, NM; and Cortez, Colorado; and one Texaco convenience store



in Cortez, Colorado. The location of the Cortez, CO is the company's first retail outlet off the reservation. Additionally, a new business site lease has been signed for a Texaco convenience store in Tse Bonito, New Mexico. NNOGC also provides unbranded gasoline and diesel to Navajo Nation Enterprises, departments and other stations.

The Company is well on its way to becoming a fully integrated petroleum company. NNOGC has enhanced Navajo sovereignty and self-sufficiency through its operations and efforts, and has conducted its Upstream and Midstream operations with great environmental and cultural sensitivity, and has set a new standard of excellence in its retail operations in service stations and convenience stores for Navajo communities.

The Company employs 80 individuals with an annual salary and benefits amounting to \$4.5 million.

- **Navajo Nation Shopping Centers.** In 1982, the former Advisory Committee of the Navajo Tribal Council approved a Plan of Operation for the Navajo Nation Shopping Center (NNSC) Management. This resolution set in motion a program that would manage the Window Rock Shopping Center which grew to manage other shopping centers throughout the Navajo Nation. Later, the Government Services Committee of the Navajo Nation Council by Resolution GSCF-13-96 incorporated the NNSC's Plan of Operation in the Division of Economic Development's Plan of Operation.

Since the development of the first shopping center, NNSC has progressively and successfully made significant improvements in the management of its shopping centers. Supported by a staff of experienced personnel, NNSC is rapidly becoming a key trust in economic development initiatives for the Navajo Nation. This achievement is symbolic of what is yet to come in the future.

The NNSC has outgrown its current Plan of Operation in managing ten shopping centers. After a number of attempts, the NNSC has finally succeeded in its endeavor to become an independent enterprise of the Navajo Nation. Now the NNSC is in a position to manage its program affairs independently and efficiently without any influence from other Tribal Offices. [Table No 30](#) sheds light on the activities of the shopping centers overseen by the Navajo Nation Shopping Centers across the Nation.

The NNSC greatly contributes to the Navajo Nation communities by providing employment, goods and services, revenues, business opportunities and increasing local commerce development. NNSC with all the Shopping Centers employ 918 individuals with over \$12.0 million in Salary and Benefits.

- **Navajo Times.** The Navajo Times is the largest Native American owned newspaper in the world. It is a weekly publication and it is distributed every Thursday morning throughout the world by way of independent newspaper carriers, the US Postal Service and the Internet. The Navajo Times has a paid circulation of 23,400 but it has a worldwide readership well over 200,000 each week. This colorful newspaper is packed with local, regional, national and international news, photos and interesting information for all readers. Although the primary focus of the Navajo Times is on Navajo and Native American people and issues, the Navajo Times also features numerous articles, photos, public notices, legal and classified advertising and display advertising that are insightful, informative, entertaining and educational for people everywhere. The Navajo Times is an award-winning newspaper that has reaped many honors for its news, sports, entertainment and feature stories. Plus, it has the most exciting, colorful and enlightening photographs that you will ever see in any newspaper publication throughout the southwest United States. The Navajo Times prides itself on advocating for the First Amendment of the U.S. Constitution including the peoples' right to freedom of the press and freedom of speech. It practices solid, ethical journalism and presents the most current, comprehensive and important news in a fair, balanced and truthful manner. The Navajo Times is owned and operated by the Navajo Times Publishing Company (NTPC), Inc. The corporate headquarters and the newspaper offices are located in Window Rock, Arizona with two smaller offices or bureaus, stationed in Chinle, Arizona and Shiprock, New Mexico.



The Navajo Times newspaper got its early start in 1958 as an educational newsletter for the Navajo Tribal government and the Bureau of Indian Affairs. Two years later, the Navajo Times became a copyrighted, tabloid publication. The first issue of the Navajo Times was published on Thursday, August 4, 1960. It cost 10 cents per copy at that time. Today, NTPC, Inc. is the only Native American publishing company that owns and operates its own printing press. In addition to printing the Navajo Times, NTPC also prints numerous local and regional publications for other tribes and pueblos, governments, towns, schools, hospitals and much more. The Navajo Times is an award-winning newspaper that has earned and accumulated numerous honors and awards throughout its 48-year history. The Arizona Newspapers Association, the Arizona Press Club and the Native American Journalists Association have consistently honored the Navajo Times for its overall General Excellence in addition to many other awards for its articles, photos, layout and design, advertising and community services. This past July, the Native American Journalists Association (NAJA) honored the Navajo Times as the Best Native Weekly Newspaper in the country. It secured first place for General Excellence. In addition, the staff of the Navajo Times earned a number of individual awards from NAJA for their writing, photography, layout and design, printing and advertising. Other notable honors the Navajo Times has earned include the Missouri Honor Medal of Distinguished Service in Journalism by the University of Missouri, School of Journalism in Columbia in September 2000 and the Freedom of Information award by the Arizona Newspapers Association in October 2004. The Inland Press Association awarded the Navajo Times as runner-up in the 2002 "Best in the Nation" newspaper for non-daily publications.

In the spring of 2003, Navajo Times senior reporter Marley Shebala spent a semester as a guest instructor at the University of California in Berkley where she taught a journalism course on reporting on Native American people, tribes and issues in today's society. Shebala attended the UC Berkley on a journalism fellowship provided by the University's Department of Communications and Journalism. In 2000-2001, Navajo Times Chief Executive Officer and publisher, Tom Arviso Jr., attended Stanford University in Palo Alto, California on a John S. Knight Fellowship in Journalism. After being selected as one of 20 of the most prestigious, honored and working journalists from throughout the world, Arviso studied newspaper management during his fellowship year at Stanford. Arviso is the first and only Native American to have been awarded the Knight Fellowship at Stanford. The Navajo Times has a total staff of about 40 and most of them are of Navajo heritage. These excellent employees are trained and educated in the communications, journalism, graphic arts, advertising and printing professions. Native American journalists number less than one percent in employment in the major newsrooms across the United States. So, the Navajo Times is quite fortunate to have their talented and dedicated staff and are especially proud of their Navajo and Native American professional employees. The Navajo Times is currently owned and operated by NTPC, Inc., a for-profit corporation. But that was not always the case. Beginning with its inception in 1960, the Navajo Times was owned and operated by the Navajo Nation government for most of its history. Being owned and operated by the tribal government caused numerous problems for the staff throughout the years when it came to editorial coverage of controversial issues and people. Therefore, after many years of struggling with the tribal government and its politics, Navajo Times publisher Tom Arviso Jr. devised a plan to separate the newspaper operation from tribal ownership so that the Navajo Times could actually be a free and independent newspaper and self-sustaining, profitable business. On October 23, 2003, Arviso presented a resolution before the Navajo Nation Council seeking their approval to incorporate the Navajo Times and become NTPC, Inc. The incorporation of the Navajo Times would allow it to become an independent newspaper and a for-profit publishing company. The Navajo tribal council listened intently to Arviso's presentation that sunny and brisk afternoon and then, in a history-making event, voted unanimously in favor of the resolution. As a result of that historic occasion, the Navajo Times has since blazed a new path for other tribal owned media throughout Indian Country to follow so that they, too, can separate themselves from tribal ownership, interference and censorship. The Navajo Times has been a longtime advocate of Freedom of the Press and the First Amendment, and as a result has been looked up to as the leader in Native American media when it comes to dealing with editorial censorship, manipulation and pressure. From a business standpoint, NTPC, Inc. is doing quite well and has wisely reinvested its profits back into the company by way of purchasing a new \$2.0 million press system, a computer-to-plate (CTP) pre-press system, modern computers and software, a new accounting system and by hiring more talented, educated



and trained professional staff. Today, the pages of the Navajo Times come alive each week with vibrant, colorful photographs and layout, stimulating news articles, action sports, exciting community events and informative and money-saving advertising. The Navajo Times is easily accessible at local newsstands throughout the Four Corners area and in Phoenix and Albuquerque. You can also read the Navajo Times on the Internet at its web site at: www.navajotimes.com. The Navajo Times is the Number One newspaper in Native America and No. 1 in the eyes of all its dedicated and supportive readers. Join the thousands of readers and pick up a copy today of the award-winning Navajo Times, the "Newspaper of the Navajo People."

For more information about the Navajo Times, please call the main office in Window Rock at 928-871-6641 or 6642. You can also write to the Navajo Times at P.O. Box 310, Window Rock, and AZ 86515.

- **Navajo Tribal Utility Authority.** The NTUA is a multi-utility provider to the residents, schools, governmental entities, and businesses on the Navajo Nation. NTUA provides essential electrical, natural gas, water and wastewater services to customers on the vast 27,000 square mile Navajo Indian Reservation in northeastern Arizona, northwestern New Mexico, and southeastern Utah.

The NTUA was created by the Navajo Nation Council in January of 1959 and achieved status of an enterprise of the Nation in 1965. NTUA's Plan of Operation provides for a seven-member Management Board, which oversees the activities of the Authority. The Government Services Committee of the Navajo Nation Council appoints the Board Members, and each member serves a staggered three-year term. A General Manager who is directly responsible to the Authority's Management Board manages daily activities of NTUA.

Electricity: NTUA's electric power is purchased from Tucson Electric Power, PacifiCorp, Public Service Company of New Mexico, and Western Area Power Administration. NTUA does not generate any electricity, but must depend on transmission agreements to deliver power to 18 delivery points surrounding the Navajo Reservation. The rates for electrical services are lower than rates provided by other utilities in the communities surrounding the Navajo Nation.

Approximately 60 megawatts (MW) of energy and capacity are secured in long-term power purchase contracts and about 40 MW is being purchased in the open market as needed. NTUA's peak demand reached 110,981 kW in 2007. NTUA is contemplating entering the power generation arena. Generating its own power or securing a block of generation power will assure NTUA of an adequate supply of low cost electricity. Growth over the next decade is estimated to be approximately 3% per year.

NTUA's purchase of natural gas from Shell Energy is transported through El Paso Natural Gas, Transwestern, Public Service Company of New Mexico and Questar gas lines. Fourteen million (14,000,000) cubic feet of gas are delivered to 18 delivery points in New Mexico and Arizona serving 7,600 customers. Currently, NTUA completed rights-of-way for two 4-inch main line extensions to the communities of Dennehotso and Teec Nos Pos, Arizona, where a town distribution system is ready for construction. NTUA just expanded services to Tuba City, Red Mesa, and Kayenta; an estimated 3,700 potential customers will be added in years to come.

Water: The U.S. Indian Health Service on the Navajo Reservation has made capital investments of over \$230.0 million in water and wastewater infrastructures. The operation and maintenance of the vast systems have been delegated to the Navajo Tribal Utility Authority. Water rates are competitive and are equal to or slightly higher than in the surrounding municipalities in the area. Water revenues are generally sufficient to meet operating expenses.

NTUA completed its utility mapping project in 2003. Data is now stored, maintained, and accessed through an enterprise based Geographical Information System (GIS). The GIS system provides a service for storing an inventory of all utility information in a centralized database, also called geo-database. This geo-database provides utility information in a geographical form for engineering



analysis and planning. The data stored in this geo-database include all data related to NTUA transmission and distribution of electric, water, wastewater, and gas utilities. Other information stored is photovoltaic and microwave sites. The GIS land base covers the entire Navajo Reservation with aerial photos, topographic and basic boundary information. The result of having a comprehensive GIS system is greatly enhancing NTUA's ability to provide quality utility services for all internal and external customers; electric, natural gas, water and wastewater main lines; distribution laterals, meters, poles, and related appurtenances. The GIS system will greatly enhance NTUA's ability to provide utility services at the lowest reasonable cost to its customers.

NTUA provides employment to 482 individuals with an annual salary and benefits of over \$21.0 million. [Table No. 34](#) sheds light on the services provided by the NTUA and [Table No. 35](#) highlights the Revenue-generating activities of the NTUA.

H. Large Employers in the Private Sector

Private businesses are the basic foundation of an economy. Even though the Nation does not have as many private businesses as we would like to see, there are at least a few, which play very important role in the economy of the Navajo Nation. Some of these employers have been described below:

- **Four Corners Power Plant.** The coal-fired Four Corners Power Plant is the first mine-mount generating station built to take advantage of the large deposits of bituminous coal in the Four Corners Region. It marks the commitment of Arizona Public Service Company (APS) made more than 40 years ago to use coal as primary generation fuel.

Construction of Four Corners Units 1 & 2 (each rated at 170 megawatts) began in 1961. They went into commercial operation in 1963. Unit 3 (220 megawatts) began producing electricity in 1964 while Units 4 & 5 (rated 750 megawatts each) began commercial operation in 1969 and 1970 respectively.

Four Corners' total generating capacity is 2,060 megawatts, enough to power more than 300,000 homes. It is one of the largest coal-fired generating stations in the U.S. The total original cost of all five units was \$283.0 million.

The low-sulfur coal burned at Four Corners comes from the adjacent Navajo Mine, operated by BHP minerals. The five boilers burn an average of 28,000 tons of coal a day, or about 10.0 million tons annually.

Cooling water for all five units comes from the man-made Morgan Lake, adjacent to the Plant.

Four Corners delivers power through its switchyard to utilities in Arizona, California, New Mexico and Texas.

APS operates the entire plant and is the sole owner of Units 1, 2, & 3. Ownership of Units 4 & 5 is divided among six southwestern utilities: APS owns 15%; El Paso Electric Company owns 7%; Public Service Company of New Mexico owns 13%; the Salt River Project owns 10%; Southern California Edison Co. owns 48%; and Tucson Electric Power Co. owns 7%. The Four Corners Power Plant is located on Navajo tribal land and 72% of its 586 employees are members of the Navajo tribe. An annual payroll of more than 41.0 million boosts the local economy.

Environmental considerations: Four Corners Units 1, 2 & 3 are equipped with a wet venturi scrubber system for control of both sulfur dioxide (SO₂) and particulates (fly ash).

The original cost of the scrubber system for Units 1, 2 & 3 was nearly \$27.0 million but upgrading over the years has brought the cost to approximately \$60.0 million. The bag houses for Units 4 & 5 cost \$170.0 million and the scrubber system for these two units carries a price tag of \$275.0 million. In 1989-1996, Units 2, 3, 4 & 5 were retrofitted with low NO_x burners in order to bring the plant into compliance with New



Mexico regulations concerning the release of Oxides of Nitrogen (NO₂) into the atmosphere. These burners were installed at a cost of about \$60.0 million.

APS generators are linked to major energy-use centers, to each other, and to neighboring utilities by network of more than 2,200 miles of high-voltage transmission lines. The total generating capacity of all APS generating stations is now 4,013,910 kilowatts and is growing. The company employs over 600 individuals and has an annual salary and benefits of over \$71.0 million.

- **Frontier Communications Corporation.** Telephone services on the Navajo Nation are currently being provided by the Frontier Communications Corporation, also known as, Frontier. Frontier's central office switches and inter-exchange network are 100% digital. It has 630 miles of aerial cable, 870 miles of buried cable that includes 184.1 miles of fiber optics. Before the year-end, Frontier will have added 143 additional miles of fiber optic cable with approximately the same growth within the next 3 years. The network is made up of 21 microwave repeaters, 12 OPAC, 70 digital sub-carriers, 10 sub-carriers and 2 BETRS radio systems.

In 2000, Frontier added 11 communities to the Internet, and continues to roll out new technologies such as ATM/frame relay switch, wireless applications, and additional upgrades from copper and microwave to fiber transport. It continues to add new customers by improving its cable plant and digital carriers. Frontier is continuously looking to latest technology to serve its Navajo Nation customers.

The Frontier is also the largest provider of cable/satellite TV on the Navajo Nation, and has 4,000+ subscribers. The Frontier has a professional staff of 94 employees, 95% of which are Native Americans.

- **Navajo Generating Station.** The Navajo Generating Station (NGS) is a three unit, coal fired steam electric generating plant with a total net output rating of 2,250 megawatts, located within the Navajo Nation, five miles southeast of Page, Arizona.

The NGS includes a 76-mile long electric railway. The railroad transports approximately 8 million tons of coal annually from Peabody Western Coal Company's Kayenta mine located on Black Mesa. Lake Powell supplies approximately 30,000 acre-ft of water per year to make up for evaporation from the plant's cooling towers and scrubbers.

NGS is owned by the United States Bureau of Reclamation (24.3%), SRP (21.7%), Los Angeles Department of Water and Power (21.2%), Arizona Public Service (14.0%), Nevada Power Company (11.3%), and Tucson Electric Power (7.5%). Salt River Project (SRP) is the operating owner of the plant.

The plant was initiated in 1968 as an alternative method of meeting the power needs of the Southwest after a major hydroelectric project was blocked. The units went into commercial operation in 1974, 1975, and 1976.

Original construction cost of the plant was \$650.0 million, including \$200.0 million for pollution control equipment. Scrubbers have subsequently been installed to remove 98% of the sulfur dioxide from the flue gas emitted through the plant's three chimneys. The scrubbers were placed in service in 1997, 1998, and 1999. The capital cost of the scrubbers was \$430.0 million.

The total number of permanent employees at the plant is 528, with 74% of those being Native Americans. There are also approximately 300 seasonal employees hired by the plant, with 93% of those being Native Americans. The plant's annual payroll is more than \$50.0 million.

- **Navajo Mine.** Navajo Mine is one of the largest employers on the Navajo Nation. It is operated by BHP Navajo Coal Company and is owned by BHP Billiton, an international resource company. Navajo Mine is located in northwest New Mexico. The mine produces approximately 9.0 million tons of coal annually from its open cut mine operations. The coal is supplied to the nearby Four Corners Power Plan, which is operated by Arizona Public Service.



Navajo Mine is also a major contributor to the Navajo Nation's general revenue. In 2007, it paid \$69.0 million in taxes and royalties. A total of 427 employees worked at the Navajo Mine of which 371 (87%) are Native Americans. This reflects a total of \$46.0 million in salary and benefits that was paid.

BHP Billiton and its employees from Navajo Mine, San Juan Underground Mine and La Plata Mine are actively involved in the community as major contributors to the San Juan United Way and Navajo United Way. In 2007, the employees contribution with company matched totaled \$680,184.00. In addition, a total of \$102,250.00 in scholarships was awarded to students in 2007.

- **Peabody Energy's Arizona Mines.** Peabody Energy's Arizona surface mines are located on the Navajo and Hopi reservations, about 20 miles southwest of Kayenta. The adjacent Black Mesa and Kayenta surface mines have operated for more than three decades, creating local jobs, providing tribal revenue and encouraging economic development in reservation communities. Until the closure of Black Mesa mine, these mines produced about 13.0 million tons of coal each year from a large reserve leased from the Navajo Nation and the Hopi Tribe.

Mining occurs under complex geological conditions, with coal extracted from multiple seams and splits of seams ranging in size from three to 18 feet.

Before the closure of Black Mesa mine, each year, royalties, taxes and business payments generated from the mining operation provided the tribes with more than \$45.0 million in revenue, which equates to about 80 percent of the Hopi's budget and nearly 30 percent of the Navajo's annual general budget. Mining operations provided nearly 700 jobs. About 90 percent of the Black Mesa work force used to be American Indians, making Peabody one of the Nation's largest private employers of tribal members. The Company's payroll and benefits exceeded \$51.0 million.

Because of EPA regulations, the Mohave Generating Station near Laughlin, Nevada, closed its operations. As this power plant was the sole buyer of coal from Black Mesa Mine, it had to close its operation on January 1, 2006. Closure of this mine has had very adverse economic impact not only on the 160 or so people laid-off from the mine, but also on the Navajo Nation coffers.

Kayenta Mine is adjacent to the Black Mesa Mine, and began operating in 1973. The mine shipped 8.3 million tons of steam coal during 2002. The mine employs approximately 400 workers. The coal is crushed, then carried via conveyor 17 miles to storage silos, where it is loaded on an electric train and transported 83 miles to the Navajo Generating Station near Page, Ariz.

The Arizona mines are part of St. Louis-based Peabody Energy, the world's largest coal company. Its coal products fuel more than 9 percent of all U.S. electricity generation and more than 2 percent of worldwide electricity generation.

- **The Pittsburg & Midway Coal Mining Co. (P&M) McKinley Mine.** The McKinley Mine began operation at its facility located south of highway 264 near Blackhat New Mexico in 1962. In the early seventies the operation expanded to its current size and location with approximately 15,000 acres of the lease being located on the Navajo Nation. P&M itself (Pittsburg is spelled without an "h" on the end) was granted a charter of operation in the state of Kansas in May of 1885.

The McKinley Mine is a surface coal mine with a production capacity of 6.5 to 7.5 million tons annually depending upon market. Out of the current top 29 major surface coal mines in the United States, McKinley Mine is ranked 24th based on annual production.

The McKinley Mine is a dragline operation using four Bucyrus Erie 1370-WS Walking Draglines with a bucket capacity of 63 cubic yards as the major pieces of stripping equipment to uncover coal. Stripping at the McKinley Mine is also augmented by the use of a truck/shovel/loader fleet to uncover coal.



McKinley Mine is represented by the United Mine Workers of America (UMWA) and operates 3 shifts per day, employing 301 employees, of which, 91% are Navajos. 238 of the employees are represented by UMWA

McKinley Mine's major customers are Arizona Public Service Company (APS), Salt River Project (SRP), Arizona Electric Power Cooperative (AEPCCO), Tucson Electric Power (TEP) and Abitibi Consolidated (manufacturer of recycled paper products). This Mining Company will be off the Navajo reservation shortly mainly because there is not enough coal left which can be mined profitably.

- **Raytheon Missile Systems Company – NAPI Facility.** The RMS-NAPI Facility (formerly Hughes Missile Systems Company), a Fortune 100 company with over 76,000 employees worldwide, is the world market leader in missile defense technology. The facility broke ground in September 1988 and opened on June 30, 1989. The Raytheon Facility is located on the Navajo Agricultural Products Industry (NAPI) Industrial Park South of Farmington, New Mexico and is accessible via Air from Albuquerque, Phoenix, and Denver. The 68,000 sq-ft facility is sized to fit approximately 270 employees on a 1-8-5 shift.

Facility Construction and production equipment was financed through the Navajo Nation on a Lease Back arrangement. Raytheon leases the facility from the Navajo Nation. Raytheon currently has 210 employees, of which 92% are members of the Navajo Nation. Raytheon is supported by highly-skilled, flexible, and diversified workforce. This agile workforce maintains a clean environment and flexible manufacturing processes.

The facility currently assembles electronic, interconnect, and launcher systems for Raytheon Missile Systems headquartered in Tucson, Arizona. Raytheon provides products for all branches of the US Military Services.

Training is contracted with the Navajo Nation Department of Workforce Development and the New Mexico Training Incentive Program. Training includes Quality Awareness, Electronic Assembly, Mechanical Assembly, and SAP: EHS Awareness, Solder Certification, Security, and Lean Manufacturing.

The vision of the facility is to be the world class provider of diversified labor intensive products utilizing the highly skilled Navajo workforce. Our Mission is dedicated to achieving our customers' needs through high performance teams, while offering job satisfaction for our employees in a safe work environment and honoring the cultural diversity of our workforce.

Expansion of a 30,000 square feet to current tribal building F001-039 (38,000 SF) at the NAPI Industrial Park just south of Farmington, New Mexico was completed in 2006. This facility is currently leased by Raytheon Missile Defense Systems. Due to increase in contract work, the need for expansion was needed to accommodate for more work and storage space. Manufacturing work consists of building various components and wiring for the U.S. Department of Defense. The expansion was done on the current property that Raytheon leases which is 26 acres.

Consequently, 40 construction jobs were created to retrofit the existing building to accommodate the equipment to be installed for the operation. \$2.0 million came from the State of New Mexico for this Project.

- **Tooh Dineh Industries, Incorporated.** From a three person precision machine shop begun in 1983 in an unused boarding school dormitory, Tooh Dineh Industries, Incorporated (TDII), a wholly-owned subsidiary of Dineh Cooperatives, Incorporated, has grown to become the largest electronics manufacturing firm in northern Arizona.

Tooh Dineh Industries, Inc. has extended the Navajo tradition of excellence and craftsmanship as meticulous silversmiths and weavers to manufacturing products requiring the highest quality level of electronic manufacturing. The company is located in the Navajo Nation community of Leupp, just 45 miles from Flagstaff, Arizona. Its highly trained workforce of 100 employees manufactures high quality electronic products for the information, communications and transportation industries.



Tooh Dineh Industries has expanded steadily over the years, now occupying 55,000 square feet of space devoted to turnkey and consignment electronic contract manufacturing. The firm is a certified ISO and minority business. The company's annual payroll is more than \$2.0 million with worldwide sales at \$15.0 million. Current and past customers include small and fortune 500 companies.



Chapter IV: Economic Development Strategy

A. What is Economic Development?

Gunnar Myrdal, a noted economist and Nobel Prize laureate, defined economic development as (a) Creation of Employment Opportunities, (b) Increasing Per Capita Income, and (c) Reducing the Gap between Rich and Poor.

The Employment Act of 1946 states,

*"It is the continuing policy and responsibility of the Federal Government to use all practical means consistent with its needs and obligations and other essential considerations of national policy to coordinate and utilize all its plans, functions, and resources for the purpose of creating and maintaining, in a manner calculated to foster and promote free competitive enterprise and the general welfare conditions under which there will be afforded useful employment opportunities, including self-employment for those able, willing, and seeking to work, and to promote maximum employment, production and purchasing power."*⁶

Lately, various high placed officials of the U.S. Department of Interior have been defining economic development as *"Improving the quality of life thru employment opportunities"*.

An editorial in the Arizona Republic of April 24, 2003 says – "Our stand: Creating more opportunities on reservation would truly honor Piestewa." The same article further quoted the late Hebert Hubert Humphrey saying, *"A job is the best social program in the world."* It paves the way for so much other progress, in health, housing, education and economic opportunity.⁷

Creating 100,000 employment opportunities by 2008 was the theme of the National Summit on Emerging Tribal Economies, which was held from September 16 thru September 19, 2002 in Phoenix, Arizona.

A presentation made by the Coconino Board of Supervisors defined Economic Development as creation of health in which community benefits are created. The focus is on job creation and retention. It identified these goals of Economic Development – Job Creation, Job Retention, Increase Tax Revenues, Tax Base Diversification, Increase in Property Values, Expansion of Wealth, Reduction of Poverty, Economic and Fiscal Sustainability, and Economic Self-Sufficiency.

"Our Job is Jobs" is the motto of the Arizona Department of Commerce.

In all these statements and definitions, the importance of creating employment opportunities is quite loud and clear. None of the definitions or statements, for example, implies that the purpose of economic development is to improve the quality of life by giving people free per capita money from Gaming, or by providing them with welfare checks. All these statements and definitions talk about creating employment opportunities. No wonder, creation of employment opportunities is the top priority of all the leaders of the developed countries and many of the developing countries as well.

B. What Kind of Job?

Economists have divided job into the Economic Base jobs and the Support jobs. Economic Base jobs are created by the economic base enterprises which are those where the product or service being produced is sold outside

⁶ Boyes, Williams and Michael Melvin, "Macro Economics". Houghton Mifflin Company, Boston. New York. Fifth Edition. P. 275.

⁷ The Arizona Republic. April 24, 2003.



the local economy. Enterprises in Manufacturing, Agriculture, Mining, and Tourism sectors are categorized as economic base enterprises. Of these, Manufacturing is considered to be the most important. Support jobs are those associated with the local service and retail enterprises. When economic base jobs are being added to the economy, job choices increase, paychecks get bigger, and so on. It has been estimated that 1,500 economic base jobs create 2,500 local service retail jobs. In other words, if we create 1,500 economic base jobs, a total of 4,000 jobs are created. It has also been estimated that 4,000 jobs support a population of 10,000. Thus, it is easy to see that to support a population of 10,000; we must have 1,500 economic base jobs.⁸ The importance of base jobs for an economy is nicely summarized by one of the slides of the Statewide Economic Study commissioned by the Arizona Department of Economic Security which concludes that without a base industry a town turns into a ghost town.

Unfortunately, 'Basic Industries' are very few and far between on the Navajo Nation. Manufacturing and Agriculture and Mining accounted for 287, 241 and 1,165 jobs respectively in 2007, which were .93 and .78% and 3.77% of the total employment respectively (see [Table No. 23A](#)). Among the 'basic industries', Manufacturing is considered to be the most important, and usually employs a sizable portion of the labor force in a fast developing economy. Manufacturing has always been regarded as pillar of economic strength, as it has a very large multiplier effect. According to reports from the National Association of Manufacturing (NAM), "...two thirds of our research and development capacity are concentrated in manufacturing, and that each dollar's worth of manufactured goods creates an additional \$1.43 of economic activity in other sectors, which is twice the \$.71 multiplier for output in services. Additionally, manufacturing workers earned an average of \$16.71 an hour in October, 2005."⁹ In the U.S., this sector accounted for 11.30% of the total employment in 2007. However, this figure for the Navajo Nation, as mentioned above, is just .93% percent (see [Table Nos. 23A](#) and [23B](#)). [Table No. 36](#) gives employment pattern of some of the developed countries. As can be seen from the table, in 2007, Manufacturing, Mining and Construction accounted for 19.8% of total employment in the United States, 20.4% in Canada, 20.7% in Australia, 27.0% in Japan, and so on.

C. Federal Investment Opportunities

The American Reinvestment and Recovery Act of 2009 (ARRA) presents to the Division of Economic Development much greater access to incentive programs and grants intended to affect numerous economic sectors, namely those that create new jobs, spurring new economic activity and investing in long-term economic activity in sectors new to the economy, such as – green jobs and revitalizing the manufacturing sector. Financing economic development by the ARRA brings forth more creative ways of providing capital funding in economic-depressed areas like the Navajo Nation.

Read the Congressional finding record to the CFDI Act at Section 102, determines that the federal government has shifted from relying solely on grant programs for funding economic development projects toward increasing access to investments and loans through individual investors and private equity institutions:

- (1) many of the Nation's urban, rural, and Native American communities face critical social and economic problems arising in part from the lack of economic growth, people living in poverty, and the lack of employment and other opportunities; and*
- (2) the restoration and maintenance of the economies of these communities will require coordinated development strategies, intensive supportive services, and increased access to equity investments and loans for development activities, including investment in businesses, housing, commercial real estate, human development, and other activities that promote the long-term economic and social viability of the community.*

With revisions to the federal tax codes, private equity investments from individuals and financial institutions are now available in Indian country. The New Market Tax Credit and Tribal Economic Development Bonds are two leading programs that offer private equity investments.

⁸ Mark Neutman, "Economic Development. The ABCs of Recruitment." The New Mexico Business Resource Guide. 1997. P. 7

⁹ Connections. Working for America Institute. Volume 4. No. 1. January 2006.



Navajo Community Development Financial Institution: As a matter of Navajo Nation policy, the Navajo Nation President signed into law the creation of a Community Development Financial Institution (CDFI) through Navajo Nation Council resolution CJA-02-10. This law now gives the authority for the Navajo Nation to apply, receive and allocate federal Tax Credits for purposes of generating private equity investments for Navajo Nation economic development projects.

Because the U.S. is facing a rising deficit and if in the event individual income taxes are increased to cover existing and new federal programs like the tax credit and tribal bonds, wealthy individuals would be inclined to forego holding excess personal earnings to avoid being taxed by the government. Therefore, wealthy individuals would deposit their earnings into investment opportunities like investments into Indian communities through the tax credit or tax-free bond programs. Having made these investments, the government will then allow tax credits to their federal individual tax returns, thus decreasing their tax liability.

Overall, federal economic policy appears to indicate a policy which:

- 1) Revitalizes the American manufacturing sector
- 2) Creating a “Green Economy” sector in for both the manufacturing and service industries
- 3) Creating tax and investment incentives for wealthy individuals and institutions that provide private equity
- 4) Increasing federal tax revenues through the creation of jobs and manufacturing.

Five-Year Capital Development Plan: Having understood the financing processes and of the division’s ability to develop projects gave the division the ability to formulate a 2010 Five-Year Capital Development Plan with plans to finance the reported projects utilizing external investments opportunities. Navajo fund in the case of the five-year plan is being look at as leveraging these additional opportunities.

Financing through the new federal programs are a means of leveraging other sources of financing which in effect, stretches each financial fund’s limited supply onto other projects that otherwise would not be funded at all. As well, cutbacks at the federal, state and even tribal level are now forcing the division to obtain financing from the other non-grant sources recently made available. Division management is now charged to examine how their programs can interface with these new programs and to make available to their staff the background, knowledge and understanding of these new financing programs including knowledge-based on economic projects, such as:

1. Projects are shovel-ready
2. Projects are revenue-generating
3. Generate revenue, employment income (jobs), and taxes
4. Generates residual impact (multiplier effect) – NTUA (utility services), existing businesses
5. Can be leveraged with New Market Tax Credits, Tribal Economic Development Bonds, Federal Loan Guarantees and other private equity.
6. Counters off-reservation spending
7. Navajo CDFI and other financial institutions can contribute

STATISTICS – OVERALL (Capital and Non-Capital Projects)

	Funding Request	Investment Equity	Base Jobs Created		REVENUE: Individual, business, government			
			Temp	Perm	Salary	Gross Sales	Lease Rental	Taxes
YR-1	74,039,000	41,871,685	1,389	1,146	22,554,290	42,432,420	1,269,666	1,864,707
YR-2	26,665,000	23,315,210	843	920	31,032,440	81,759,014	552,010	2,780,440
YR-3	18,940,000	11,161,500	300	251	5,776,240	5,125,000	491,000	515,000
YR-4	19,635,500	5,005,000	135	191	4,478,000	3,400,000	2,008,000	276,000
YR-5	75,775,000	444,000	260	345	6,867,600	4,819,631	2,818,000	1,182,200
TOTAL	215,054,500	81,797,395	2,927	2,853	70,708,570	137,536,065	7,138,676	6,618,347



ANALYSIS

1. Total Base Jobs: **5,780**
2. Support Jobs resulting from Permanent Base Jobs: **4,765 [2,853 x 1.67]**
3. Total Jobs Created: **10,545 [Permanent Base Jobs + Support Jobs]**
4. Cumulative Annual Impact:

	Annual Base Jobs		ANNUAL REVENUE: Individual, business, government			
	Temp	Perm	Salary(wages)	Gross Sales	Lease Rental	Taxes
YR-1	1,389	1,146	22,554,290	42,432,420	1,269,666	1,864,707
YR-2	843	2,066	53,586,730	124,191,434	1,821,676	4,645,147
YR-3	300	2,317	59,362,970	129,316,434	2,312,676	5,160,147
YR-4	135	2,508	63,840,970	132,716,434	4,320,676	5,436,147
YR-5	260	2,853	70,708,570	137,536,065	7,138,676	6,618,347
TOTAL	2,927	10,890	270,053,530	566,192,787	16,863,370	23,724,495

5. 5-Yr Total Cumulative Income (Wages + Sales + Lease Rental + Taxes): **\$876,834,182**
6. 5-Yr Cumulative Revenue to NN (Lease Rental + Taxes): **\$40,587,865**
7. 5-Yr Public/Private Investment Equity Potential: **\$81,797,395**
8. Acreage: **314,420**
9. Project Type Totals:

Type	Cost
Commercial	69,788,700
Convenience Stores	21,584,500
General Stores	288,000
Hardware	1,045,300
Hotel	500,000
Manufacturing	38,853,000
Public	82,695,000
Restaurant	300,000
TOTAL:	\$215,054,500

10. Infrastructure Type Totals:

Type	Cost
Building	138,803,100
Building/Equipment	30,199,500
Building/Renovation	1,000,000
Building/Residences	5,000,000
Equipment	30,000
Guarantee	1,043,000
Land	11,315,000
Master Planning	60,000
Off-Site Utilities	25,275,900
Offsite Utilities – Lagoon	1,500,000
Pavement	100,000
Site-Prep	650,000
Street Access	78,000
TOTAL:	\$215,054,500



D. Division's Strategy

Taking into consideration this paramount importance of a base industry to the economy, the administration is actively working towards recruiting base industries, and particularly the Manufacturing industries onto the Navajo Nation. As we all know, there exist a number of barriers to achieve this goal. We will discuss these barriers later. Nonetheless, the Division of Economic Development is committed to do everything possible under its power to achieve this goal. DED's current priorities are industrial and tourism development (both of which fall under the base industry category), throughout the Navajo Nation. The main highlights of the Division's of economic development plan are as follows:

1. Industrial Development

There following are five industrial plants in operation on the Navajo Nation:

- Raytheon at the NAPI Industrial Park,
- Tooh Dine' Industry at the Leupp Industrial Park,
- Coca-Cola Bottling Plant at the Chinle Industrial Park,
- Southwest Cabinet at the Church Rock Industrial Park, and
- Gallup Camper Sales at the Church Rock Industrial Park.

Besides, we have Industrial Parks at Fort Defiance, Navajo (NM), Shiprock, NFPI and Shush Be Toh. However, these Industrial Parks are currently non-operational.

Considering the paramount importance of Manufacturing, the Division is working on a number of projects. They have been described in the Chapter V entitled, "*Accomplishments, Economic Development Potentials and Constraints*".

2. Tourism Development

Tourism has the potential of generating a substantially large amount of income to the Navajo Nation and to the Navajo people. However, for lack of a developed tourism industry, we have not been able to do so. Enormous number of visitors comes to the Navajo Nation. However, facilities to accommodate them are few and far between. As a result, we are not in a position to capture a substantial portion of the tourist dollars. For example, we have only thirteen motels with 970 rooms on the Navajo Nation, whereas a small city of Gallup, New Mexico has 32 lodging facilities. In September, 2008 during the 50th Anniversary of Monument Valley Navajo Tribal Park, newest property called The View started its operation near Monument Valley. There are no RV parks or rest areas on the Navajo Nation, and we have just two welcome centers. Organized tours are few and far between. We do have some horseback tours and vehicle tours in certain areas like in Tuba City (dinosaur tracks), in the Kayenta/Monument Valley area, in Canyon de Chelly and in LeChee Chapter area. However, there are no tours that equate to the Grand Circle Tour in the Southwest. Many tours are made possible, and generate substantial amount of revenues to the tour operators because of our culture, history, and land; but all these tour operators are from outside of the Navajo Nation. Every time a tour stops on the Navajo Nation, people spend money. We appreciate and encourage tour operators to bring their tours to the Navajo Nation. That's what fills our hotels and brings new money to our stores. They keep our tour guides in business. We couldn't possibly reach all the people they do or provide all the services and itineraries. What we need to do is provide more and new experiences for the tour operators! If we can respond to them, the Navajo Nation will make more money.

To promote tourism on the Navajo Nation and to capture more of the tourist dollars, a number of projects have been planned. The major ones have been described below.

- a. **Antelope Point Marina & Resort Project.** Of the projects related to tourism development on the Navajo Nation, Antelope Point Marina and Resort Project has a special significance, as it is to be located at one of the most magnificent places on the Navajo land. This project has a very long



history. This project was in the Priority Listing of the Overall Economic Development Plan of 1983-84, i.e. - some 24 years ago. Some say that this project was talked about as far back as in mid 60's. However, it is only recently that some real development started taking place. In coordination with the National Park Service, a public boat launch ramp was built in spring 1999, and a seasonal day-use recreational area is operational from May to October of each year.

The National Park Service and Navajo Nation entered into Concession Contract and Business Site Lease in January 2003 and September 2002 with Antelope Point Holdings, LLC of Paradise Valley, Arizona, as the developer and operator of the proposed Antelope Point Marina and Resort project. The Antelope Point Holdings, LLC has proposed to invest up to \$75.0 million to develop marina and resort project. Facilities proposed at Antelope Point include diverse facilities and services, which will be developed in four phases.

Despite continued low water level condition on Lake Powell the developer has invested more than \$30.0 million in developing access roads and parking lots, walkway to marina facilities, 90 leased boat slips, 44 rental boat slips, private launch ramp, dry storage yard with boat repair shop, water and sewage systems and Marina Village - a floating restaurant with 225 seating capacity sitting atop one-acre floating five million pounds concrete platform. Currently, Security Building with offices is under construction. Development plans are underway for additional boat slips. Hotel development conceptual plan has been completed and ready for design and engineering phase. The construction will follow thereafter.

- b. The Navajo Nation Scenic Byway Program.** To promote tourism on the Navajo Nation, the Navajo Nation Scenic Byway Program was initiated some time ago. Dinetah Scenic Road N-12 begins at Lupton on Interstate 40 and continues to Tsaile. From there it continues west on N-64 into Chinle, Arizona. The road passes thru seven Chapters – Lupton, Oak Springs, St. Michaels, Ft. Defiance, Red Lake/Navajo, Tsaile/Wheatfields and Chinle.

The designation by ADOT as a scenic road provides the Navajo Nation the opportunity to apply for Federal Highway Administration (FHWA) Scenic Byway Grants. The Navajo Nation Tourism Department submitted a Corridor Management Plan (CMP), and in July 2002 the Nation was awarded the CMP grant for a total amount of \$156,000.00 - \$123,200.0 from the Federal Highway Administration and \$32,800.0 match from the Navajo Nation Fuel Excise Tax Revenue.

E. Revisions to the Business Site Lease Regulations

Business Site Leasing is a very cumbersome process on the Navajo Nation. It takes a long time to get a business site lease. Until now both the Navajo Nation and the Bureau of Indian Affairs were involved in the business site leasing process.

It is believed that the involvement of BIA in granting a business site lease has exacerbated the process. To ease this process, the Navajo Nation decided to sideline the BIA from the process, and be only the second tribe - after Tulalip reservation in the state of Washington - to take over the business site leasing process in its own hands. After a lot of internal discussions and hearings, a request was made to the United States Congress to pass a law which will eliminate BIA from the process. Subsequently, the Navajo Nation Trust Land Leasing Act of 2000 - 25 USC §145(e) was passed by the United States congress, and signed into law by the then president Bill Clinton. Following the passage of the law, the secretary of interior requested the Navajo Nation to develop business site regulations. The Navajo Nation developed the regulations and submitted the document to the Department of Interior in August 2005.

F. Implementation of the Local Governance Act

The historic legislation -the Local Governance Act (LGA) - has granted our chapters, among other things, similar authorities that off-reservation municipalities now have. For example, this act allows the chapters to develop local governments, to do their own land-use planning, and also gives the authority of business site lease approvals,



zoning, taxation, revenue generation, bonding, ordinance development, infrastructure development and so on. The potential economic impact of this legislation is quite significant, as worldwide experience demonstrates the wisdom of granting local governments the tools to effectively address their problems and respond to opportunities. The Kayenta Township, long a pilot project for local governance, is a model of this potential. Shonto became the first chapter to be certified under the LGA. So far some more chapters have been certified under the LGA and their number has grown to TEN. **Table No. 18** has additional information for LGA certified chapters.

G. Financing Opportunities for Small Business & Economic Infrastructure

There are two Navajo Nation initiatives to address the needs for ample business development financing. One is the formation of a Community Development Finance Institute (CDFI). This organization is certified by the U.S. Department of Commerce and leverages at least dollar for dollar local funding allocations for economic development. It also accesses New Market Tax Credits for economic development. Once the CDFI is organized, this mechanism for financing businesses and generally for economic development will be created, accessing development funding. Second initiative is formation of a Navajo bank. This initiative has been tried before, but it did not come to fruition. The alternative is to continue to work with the Native American Bank in which the Navajo Nation has already invested a substantial amount of money.

I. Creation of Navajo Venture Capital Investment Services

The lack of infrastructure continues to be a major challenge for the development of the Navajo economy. Fortunately, in a time when Navajo Nation revenues are limited, the Navajo Nation and the 110 Chapters have the tool of bond financing. Chapters were authorized through the Local Governance Act to generate revenue through a community bond process for purposes such as infrastructure development projects. Bonding creates an opportunity for chapters that have a secure revenue stream, e.g., from a local tax, to make immediate impact. Model bond ordinances are being developed to help chapters benefit from this important authority.

J. Comprehensive Land Use Planning

The ability of a government to control land thru a comprehensive land use planning is a necessity for sound economic development. The Local Governance Act requires chapters to develop a community-based comprehensive land use plan before they can exercise their authorities over business and home site lease approval, and zoning ordinances. The benefits of a comprehensive land use plan include fostering housing and business development by establishing infrastructure, such as, sewer and water; identifying areas for preservation; and delineating suitable land for commercial, industrial, residential, and recreational uses. A land use plan also serves as a basis for many ordinances, such as, for housing development and architectural standards for commercial buildings. The zoning ordinance can set the operational rules of where and how business is to be conducted and would ensure that a chapter's economy grows over time in ways that are complimentary to the chapter's expectations.

Land use planning is complete for most of the chapters. The cost of land use planning per chapter ranges between 30 and 40 thousand dollars, and has been financed by a grant from the HUD under NAHASDA.



Chapter V: Accomplishments, Potentials and Constraints

A. Accomplishments

Unemployment Rate, Inflation Rate, Growth Rate and Balance of Payments are the four measures of Economic performance of a nation. Of these four measures, the Navajo Nation does not and cannot have any control over the Inflation Rate or the national Balance of Payments. So, only things we can have some control over is the Unemployment Rate on the Navajo Nation and the Growth Rate of the Navajo economy. We may add one more category to the conventional measures of Economic performance of a nation, namely the Poverty Rate.

The Support Services Department of the Division of Economic Development conducts a survey annually to measure the status of the Navajo economy in terms of Unemployment Rate and Per Capita Income. The latest survey conducted was for December 31st of the year 2007. The results of the survey were described earlier. [Table No. 22](#) provides figures for Per Capita Income and Unemployment Rates for a number of years.

Major Accomplishment: Developing the Navajo economy is a hard stone to grind. Nonetheless, the Division takes great pride in its accomplishments over the past six years, in terms of completed projects and the in excess of \$80 million of value that these projects inject into the communities in which they are located. The important accomplishments of the Division, in the last few years, have been described below:

1. Navajo Nation Gaming Enterprise

The Navajo Nation Gaming Enterprise is a tribal gaming enterprise of the Navajo Nation, a federally recognized Indian Tribe. The Enterprise was created by the Navajo Nation Council on September 2006 to conduct gaming operations within the Nation under the auspices of the Indian Gaming Regulatory Act of 1988 (Public Law 100–497, 25 U.S.C. §§ 2701–2721 and 18 U.S.C. §§ 1166–1168), Navajo Gaming Ordinance, (5 N.N.C. §2001 et seq.) and the gaming compacts entered into between the Nation and any State; and to generate gaming revenues and provide a fair return to the Nation and its members in accordance with the Indian Gaming Regulatory Act, Navajo Gaming Ordinance, and other applicable laws. In November 2008, the Enterprise opened the 1st Navajo Casino known as “*Fire Rock Navajo Casino*” located within Church Rock, Navajo Nation (New Mexico), which is located approximately 2.5 miles east of Gallup on Historic Route 66.

As of April 28, 2009, the Enterprise (and Casino) employed 278 individuals of whom 252 were Navajos, 15 were other Indians, and 11 were non-Indians. Of the non-Indians, three were married to the Navajos. Projected annual wages & benefits paid to Navajo Nation Tribal Members is estimated to equal \$10.25 Million

Benefits to the Navajo Nation

- *Employment*
- *Sales Tax*
- *Tribal Vendors*
- *Royalty payment for soil*
- *Promote Tourism*
- *Tribal Project (Motorcycle Run)*
- *Construction employment*
- *Chapter Hiring*
- *C.R. Statistics*
- *Hiring for Facility*
- *Hiring for Construction*
- *Fund Tribal Revenue Distribution Plan*



Registered Navajo Business Vendors

- *Knifewing Productions/Native Stars*
- *Elite Laundry Company, Inc.*
- *Abetita Glass, Inc.*
- *BITCO Corporation*
- *Total Office Solutions*
- *All Indian Environmental, LLC*
- *Gallup Fire & Police Equipment*
- *Gallup Lumber & Supply Co, Inc.*
- *Racher's Office Equipment*
- *Nacho New Mexico*

Interaction with Navajo Nation Enterprises or Navajo Nation government

- *Gaming Project Team*
- *Navajo Tribal Utility Authority*
- *Navajo Environmental Protection Agency*
- *Navajo Oil and Gas*
- *Navajo Hospitality Enterprise*
- *Navajo Engineering and Construction Authority*
- *Navajo Arts and Crafts*
- *Navajo Times Publishing*

2. Raytheon Expansion

Expansion of a 30,000 square feet to current tribal building F001-039 (38,000 SF) at the NAPI Industrial Park just south of Farmington, New Mexico was completed in 2006. This facility is currently leased by Raytheon Missile Defense Systems. Due to increase in contract work, the need for expansion was needed to accommodate for more work and storage space. Manufacturing work consists of building various components and wiring for the U.S. Department of Defense. The expansion was done on the current property that Raytheon leases which is 26 acres. The expansion created 100 new permanent jobs. \$2.0 million came from the State of New Mexico for this Project.

3. White Cone Store

White Cone, Arizona is located in the southwestern area of the Navajo Nation. White Cone was in dire need of retail services to accommodate growth and development within the local and surrounding communities. The community was without a store in the immediate area for over 25 years. Through local planning and required legislation, the local governing body withdrew 4.0 acres of trust land for future business development.

Navajo Nation Division of Economic Development subsequently secured Giant Industries, Inc. to develop retail operations. The Navajo Nation approved a business site lease with Giant Industries, Inc. to develop a gas station, laundry, post office, convenience store and sit-down eating area. The total cost of development was approximately \$1.6 million. The project was funded by the Navajo Nation Division of Economic Development Business & Industrial Development Fund, the Project Development Department, White Cone Chapter and Giant Industries, Inc.

This store was the first new development between the Navajo Nation and Giant Industries, Inc. Giant Industries, Inc. provided the partnership and partial funding to develop a business in a small rural Navajo community.



The new store provides employment, generates revenue, provides basic retail goods and services to a growing community and established an economic base for future development. The Navajo Nation will benefit by receiving business site lease revenues and Navajo Nation sales taxes.

A grand opening was held on July 19, 2007. White Cone Store has exceeded projected sales. More importantly, the retail services are readily available, community members do not have to drive vast distances for basic goods and services. The store provides groceries, produce, livestock feed, movie rentals, fast-food, laundry services, automatic teller machine, gasoline and propane.

During the FY 2008, the Division of Economic development began construction on two prominent projects with a December 2008 completion date and opening. These are the Alamo Commercial Center and the Sawmill Commercial Center.

4. Antelope Point Marina

The Navajo Tourism Department continues to work with Antelope Point Holdings, LLC, the developer and operator, on the next phases of the marina and resort facilities. During the third quarter of FY'2008, there were 329 employees, of which 170 were Navajo occupying construction jobs, marina operation activities, and management positions. Antelope Point Holdings has invested over \$38.5 million for construction of the marina and its operations to this point in time. More construction is taking place. For example, a 3,117 sq. ft. security building is almost completed at a cost of \$1,182,664. Additionally, 72,000 SF of walkway to access 54 slip, and two more transformer buildings to provide electrical infrastructure are being planned. The total projected cost for this concession facility improvement is \$53,309,936.

5. Karigan Estates

First phase of this project with an investment of \$25.0 million for one hundred new upscale homes for the Navajo families is complete. Fifty additional lots, apartments and a condominium complex are planned for development.

6. Alamo Commercial Center

This project is complete with an investment of \$1.8 million. Forty new permanent jobs were created.

7. Sawmill Commercial Center

The cost of this project was \$1.3 million. It created 40 new jobs.

8. Tuba City Office and Retail Complex

This Project created approximately 60 temporary jobs during construction period. At a cost of \$4.5 million, this Project is complete now, and has created 40 permanent jobs.

9. Navasew, LLC

This private business became insolvent. This project had created 100 permanent jobs. This company experienced cash flow and management problems; became insolvent, which was caused primarily by overstaffing.



10. BCDS Manufacturing, Inc.

This Company also became insolvent. The Division had invested \$361,290, matched by at least \$1.0 million in inventory, equipment, machinery, and facilities upgrade. This Company experienced cash flow and management problems; became insolvent with a debt of \$3.3 million. The shareholders are working on a buyout of the BCDS assets by an outside company, which will repay the most pressing and justifiable debts;

11. Community Development Finance Corporation

This is a U.S. Department of Commerce financial program which offers a dollar for dollar match in funding for project development. A consultant has been working on the Navajo Nation certification.

12. Dine' Development Corporation

Dine Development Corporation (DDC) is a holding company for the purpose of supporting subsidiaries development, operation, with a focus on 8(a) contracting.

13. Monument Valley Welcome Center and Vendor Complex

This Project is complete now. The cost of this Project was approximately \$4.5 million. The funding came from the Federal Government, the Arizona Department of Transportation, the Utah Department of Transportation and the Navajo Department of Transportation. During construction period, the Project created 25 temporary jobs. It is estimated that after the Welcome Center is opened, it will create 20-30 permanent jobs. More importantly, 40 stalls have been constructed in the commercial area for the vendors. In addition, 4 Stalls will be designated for serving food and beverages.

During the first three quarters of the fiscal year 2009, the Regional Business Development Offices (RBDO) processed seventeen business site leases. Not all are new leases, but they created 110 new jobs and established value equal to the amount of investment by the lessees and are providing goods and services to the communities.

All of these projects also create a multiplier effect in these communities, including a one and half times turnaround for each dollar spent before it flows elsewhere.

B. Major Future Projects

1. Rubber Gloves Factory/Incubator/Training Center

The latex glove has the prospect of ever-expanding market in future. Because of bio-chemical terrorist threats, the usage of latex globe is expected to expand dramatically in the United States. The Division of Economic Development is working with a latex glove manufacturing company to expand its business onto the Navajo Nation. A few years ago, the staff of the Division as well as a consultant to the Division visited the company's plant in Tecate, Mexico. Immediately afterwards, they including some members of the Economic Development Committee of the Navajo Nation Council, also visited the company's Oregon plant. At the moment the Division is diligently working to bring this company onto the Navajo Nation. Our status as Hubzone and high possibility of acquiring 8(a) status, as well as Department of Defense and other Federal, State and Local government agencies' set asides, will be quite favorable to us.

- a. **Summary/Project Description/Purpose.** Development of a facility to manufacture disposable nitrile and natural latex rubber gloves on the Navajo Nation is underway. The facility will become a key supplier of natural and synthetic latex gloves to the U. S.



Department of Defense and other U. S. Government agencies. The size of the manufacturing facility is 20,000 SF.

The United States market for all types of disposable examination gloves is estimated to be 30 billion gloves annually with a growth rate ranging from 3 to 5% per year exceeding \$1.5 billion at the wholesale level. Since September 11, 2001, the United States way of life has changed dramatically and has increased the control and inspection by the U.S. Government of imported goods and safety of the general public.

Additionally, the project includes 7,000 SF for an incubator and training facility. This service center will also serve as a training facility for local businesses as well as the training of businesses to “incubate” three (3) new businesses.

- b. Location.** This manufacturing facility will be located in Lot 15 of the Church Rock Industrial Park. A 20,000 sq. ft. facility and infrastructure need to be constructed to house this manufacturing company. The Park, with full utilities, is located 6 miles east of Gallup, New Mexico, and is one of eight industrial sites located on the Navajo Nation. The park consists of 76 acres of land available for lease. The park is immediately adjacent to Interstate 40, which is a prime cross-continent commercial transportation corridor. The park is also located adjacent to State Highway 118 and is served by a rail spur of the Atchison, Topeka and Santa Fe Railroad. Existing tenants within the park include Cabinets Southwest, Inc., Gallup Camper Sales Manufacturing, USDA Food Distribution and the Eastern Navajo Regional Business Development Office.
- c. Benefits.** The most important benefit is the employment of initially 60 Navajo people and subsequent increase to 80 people in Years 2 and 3. Twenty (20) construction jobs will be created to construct the manufacturing facility.
- d. Scope of Work.** This project (the manufacturing portion) is the creation of a tribally chartered corporation as a subsidiary of the Diné Development Corporation, a Navajo Nation holding company. The Navajo Nation Council approved the formation of this holding company in July 2004.

A preliminary business plan has been completed with financial projections for Years 1 through 6.

e. Cost Break Down.

\$ 500,000 – Infrastructure and Site Development of Lot 15
 \$3,500,000 – Purchase equipment (\$3,000,000) & Working Capital (\$500,000)
 \$4,251,049 – Construction of Manufacturing Facility & Incubator/Training Facility -27,000 SF

- f. Funding Sources.** The amount of funding requested is \$4,351,049 for entire project. \$851,049 Matching Funds needed for the construction and \$3,500,000 for working capital and equipment to start the manufacturing facility.

Project funding secured thus far is:

- \$350,000 for infrastructure development for this project - \$150,000 appropriation from the State of New Mexico Legislature and \$200,000 from the Business Industrial Development Fund as matching money for the infrastructure
- \$700,000 from the Navajo Nation Council to serve as the 20% equity contribution.
- \$3,400,000 from the Economic Development Administration, Public Works Grant for Construction of the 27,000 SF facility



2. Bottling Water Project:

The Bottling Water Project is another project the Division is working on diligently. A feasibility study for this project is almost complete and will determine the location and market of the project more precisely. Without the final study we expect this project to cost between \$4.0 million and \$10.0 million, and create 65 jobs. The plant would be a high tech plant similar to one near San Bernardino in California. The proposed location is Winslow area.

A second proposal has come from Minnesota. This proposal has four phases. The first phase is to cost \$1.2 million in which one bottling water plant will be established. In phase II, the plant will start producing ice. Phase III will develop a distribution program using vending machines, and phase IV will establish remote water purification plants.

3. Sheep Springs Welcome Center

Because the project was overbid three times, staff of the Tourism Department is coordinating the construction. It is one and half years behind schedule. Finishing work is awaiting the redesign of drainage of the area to divert flood waters from the facility. An operator is recruited, but since the chapter is LGA-certified, an option is open to turn over the facilities to the chapter.

4. Ganado Shopping Center

A 300 square foot Shopping Center is proposed for the Burnside Junction. The Shopping Center will have an anchor tenant and various retail shops that will encourage Navajo entrepreneurship.

5. Nahata Dziil Shopping Center Infrastructure:

An anchor tenant has already been recruited for this shopping center. Recruitment of other tenants is initiated. \$2.0 million for the infrastructure is in place. The balance of \$7.0 million is being sought. Besides, Shiprock Office Complex and Acciona Solar Thermal plant in the Paragon Ranch area are some of the major projects the Division is working on.

The infrastructure project installed a water well, onsite wastewater treatment plant, water and wastewater service lines and drainage system. The project was funded by a \$2M NNC appropriation;

Nahat'a'Dziil (New Lands) Shopping Center. The construction of the 30,000 square feet commercial building requires \$7M funding. Two grocers are interested as the anchor Tenants. There is a commitment for the gas station, convenience store, fast food restaurant and Laundromat. The shopping center will provide approximately 110 jobs when fully operational and provide convenient access to goods and services create business and employment opportunities and provide rental and tax revenue.

C. Potentials

1. Natural Resources

The Navajo Nation is very rich in natural resources - land, forests, minerals, and water being the important ones. The Nation has over 17.0 million acres of land and holds 523,000 acres of Ponderosa pine and Douglas fir, as well as, 4.5 million acres of Pinon pine and Juniper. However, it is the Coal reserves, and those of Oil and Gas, which are paramount for the economy of the Navajo Nation. The reservation is estimated to hold up to 40.0 million tons of uranium, 4.0 billion



tons of coal and millions of barrels of oil.¹⁰ The Nation also holds substantial reserves of copper, fractured sand, helium, gypsum, clay, sand and gravel.

Water is another very important natural resource the Navajo Nation possesses. Water is “Liquid Gold” as declared by the Governors of Arizona and New Mexico a short time ago.

Most of the Navajo Nation is located within two major river basins - the San Juan and Little Colorado - which are part of the larger Colorado River Basin. A small part of the eastern main reservation, a part of Ramah, and all of Alamo and Canoncito reservations are located within the Rio Grande Basin. A part of the northwestern Navajo Nation is in the main stem Colorado River Basin. The Big Baquillas Ranch is located in both the Gila River and the Verde River Basins.

These basins hold enormous amounts of water. However, it is only now that the water right issues have begun to be discussed seriously on the Navajo Nation. It is becoming increasingly obvious that water, and control over it, may become a very important source of revenue to the Navajo Nation. The enormous economic value of water was made evident to even the most uninformed observers when, in 2001, the farm and infra-structure of the Navajo Agricultural Products Industry (NAPI) were valued by appraisers at approximately one billion dollars, while the contract water that the Secretary of the Interior supplies to the NAPI farm was valued by the same appraisers at as much as 4.2 billion dollars. Only recently, we started marketing our pristine water of N-Aquifer to the Peabody Coal Company at some reasonable rate. Still, we do not charge any money to Navajo Generating Station located in Page for the 34,100 acre foot of water they use annually. A reasonable lease price of \$250 per acre-foot will bring \$8.5 million annually to the Navajo Nation coffers.

Water development, water marketing/leasing, water rights activities, and water use conflicts are rising throughout the West. For example, in 2002, the proposed water rights settlement for the Gila River Indian Community, south of Phoenix, was announced in the regional media. That tribe is planning to receive rights to just over 650,000 acre-feet of water (or 1.3 billion dollars worth of water rights, based on reasonable regional price of 2002). In addition, the tribe is also supposed to receive \$400.0 million worth of settlement and subsidy money to aid in community infrastructure development and water distribution.

Right here, the Zuni tribe also got water settlement only recently, which will provide the pueblo members with \$19.0 million to buy water rights and enable them to restore a wetlands area in eastern Arizona they call Zuni Heaven. The Zuni settlement resolves a quarter-century of disputes that had resulted in lawsuits over water rights dating back to 1979.¹¹

While other governments, corporate, and private interests have been extensively involved in acquiring and developing water resources on a large scale in the Southwest for many decades, the Navajo Nation is only now beginning to take its first substantive steps toward asserting its own interests on a scale comparable to some of its water competitors.

2. Tourism

The Tourism industry has great development potential on the Navajo Nation. The Nation is full of scenic and historic wonders. Its spectacular scenery - Monument Valley, Canyon de Chelly, Chaco Canyon, to name just a few – attracted over \$2.5 million tourists in 2007. Over \$10.0 million tourists visited the tourist attraction sites on the Navajo Nation and in close vicinity to the Navajo Nation (see [Table No. 28A](#)).

The economic impact of visitor spending on the Navajo Nation (direct, indirect and induced) totaled more than \$100.0 million in 2002. Summer season produced the highest level of visitor spending at

¹⁰ Randy Fitzgerald – Comeback in Indian Country. Readers Digest. October 1989. P. 30.

¹¹ The Gallup Independent. June 6, 2003.



\$35.0 million; spring spending was second at \$25.0 million; fall produced \$22.0 million; and the winter season produced approximately \$19 million.¹²

It is widely believed that tourism can generate a substantially larger amount of income to the Navajo people. However, for lack of a developed tourism industry, we have not been able to do so. For example, there are only 13 lodging facilities on the Navajo Nation with a total of 925 rooms, whereas a small town of Gallup has 40 with 2,200 rooms (see [Table Nos. 33A](#) and [33B](#)). Consequently, after spending all day on the Navajo Nation, tourists drive off to the border towns to spend the night taking the tourist dollars with them. Similarly, there are many skilled Navajo craftsmen, who are world-renowned for their high quality silver work and weaving. However, for lack of appropriate retail outlets for their wonderful works, these crafts people are unable to sell their products to the tourists, and end up selling them to the scrupulous traders in the border towns, who in turn sell the same stuff to the tourists at exorbitant prices. Thus, the Navajo craftsmen as well as the tourists - both end up being losers. We have a large number of tourists visiting the Navajo Nation, but we capture a very small amount of tourist dollars.

3. Lower Taxation

Generally speaking, taxation on the Navajo Nation is lower in comparison to other places in the United States. This is particularly true for businesses which are newly established or which have expanded their operation onto the Navajo Nation in the near past. There are a number of tax incentives currently in place.

- a. **Federal.** In 1993 President Clinton signed into law the "Indian Investment and Employment Tax Incentives - Omnibus Budget Reconciliation Act of 1993". This law provided two types of tax incentives to companies, which either relocate or expand their businesses onto an Indian reservation.

“(a) §13321 of the law allowed for faster depreciation of machinery and equipment if used on an Indian reservation. Usually, many types of machinery are depreciable over seven years; however, under the Act, such property used on an Indian reservation would be depreciable over only four years. It was intended to reduce the investor's "cost" of capital by allowing the investor to receive the resulting tax savings sooner.

(b) §13322 of the Act established an "Indian Employment Credit." This incentive would generally provide private sector employers a 20% credit against income tax liability for the first \$20,000 of wages and benefits paid to an Indian worker.

The employment credit and accelerated depreciation expired in December of 2007, but was included in H.R.1424 which became PL 110-343 in the October of 2008. This law combined a number of provisions (including some bailouts) and tax extensions making the 2007 expiration date void as companies could back file for the credit.

H.R.1424 is the vehicle for the economic rescue legislation. The bill is the combined texts of the following: Division A - the Emergency Economic Stabilization Act of 2008; Division B - the Energy Improvement and Extension Act of 2008; and Division C - the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.

The section relating to Indian Employment Credit and Accelerated Depreciation for Business Property on Indian Reservation reads as follows and expires this year on Dec 31, 2009. There is currently movement in Congress to make the provision permanent prior to that date.

¹² The Navajo Nation – Final Tourism Report. Prepared by the Arizona Hospitality Research & Resource Center. School of Hotel & Restaurant Management. Northern Arizona University. P. iii.



SEC. 314. INDIAN EMPLOYMENT CREDIT.

(a) In General.--Subsection (f) of section 45A (relating to termination) is amended by striking ``December 31, 2007" and inserting ``December 31, 2009".

(b) NOTE: 26 USC 45A note. Effective Date: --The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 315. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATIONS.

(a) In General.--Paragraph (8) of section 168(j) (relating to termination) is amended by striking ``December 31, 2007" and inserting ``December 31, 2009".

(b) NOTE: 26 USC 168 note: Effective Date.--The amendment made by this section shall apply to property placed in service after December 31, 2007."

- b. State of Arizona.** In 1989, Arizona House and Senate adopted the Arizona Enterprise Zone Program and designated Navajo and Apache counties as enterprise zones. Thus, portions of the Navajo Nation, which are located within Apache and Navajo counties, qualify for the incentives. Incentives include state income tax and state property tax credits for any businesses operating in any of the enterprise zones. Non-Navajo businesses may qualify for state income tax credits. Because the state does not tax property and tribal member income on the reservation, the state-tax benefits will have no effect on tribal members.
- c. State of New Mexico.** New Mexico has passed a law to give state tax credit to the Manufacturing companies against any taxes paid by such companies to an Indian tribe.
- d. Navajo Nation.** The Nation does not tax corporate income, inventories, and personal income. Also, the Nation does not have property or unemployment tax, however, these may change.

4. Navajo Nation Business & Industrial Development Fund

In 1987, the Navajo Nation Council established the Navajo Nation Business & Industrial Development Fund (BIDF) to provide a source of funds for commercial, industrial and tourism projects, and to provide loans for 100% Navajo owned small businesses. At the time, and it is still true today, there was a serious lack of investment capital and lending capital available to would-be entrepreneurs and existing Navajo-owned businesses operating on the Navajo Nation.

The BIDF was initially funded with a \$15.0 million contribution from Tribal General Funds in 1988; and, although there have been a few relatively minor contributions made by the Council over the years, the initial contribution was the only significant one made. The Fund operates under an overall Plan of Operation spelled out in Section 1701 of the Navajo Nation Code. Loans and investments are made pursuant to specific guidelines approved by the Economic Development Committee, and modified from time-to-time as changing conditions and experience suggest. The Division of Economic Development administers the Fund in cooperation with the Division of Finance, which provides the official accounting and collections efforts. The BIDF is audited each year as part of the overall tribal government independent audit.

As of July, 2008, the BIDF and the Small Business Loan Program have funded a total of 29 commercial, industrial and tourism projects, and 109 small business projects with funding amounts totaling \$14.5 million and \$7.5 million respectively. Additionally, Micro-Enterprise loans have been made available to 142 Navajo individuals. The projects include shopping centers located in the major and secondary growth centers throughout the Navajo Nation; industrial projects, such as the



Raytheon plant located on Navajo Agricultural Products Industry (NAPI); tourism projects, such as the Antelope Point Resort and Marina project; and scores of individually Navajo-owned small businesses located across the Nation. Although there have been some less than successful loans and investments over time, the successful projects greatly outweigh the ones that are not. For example, the Navajo Nation Oil & Gas Company was initially capitalized by the BIDF and, today, the net worth of the Company alone substantially exceeds any and all losses of the BIDF in other projects.

Today, the BIDF is fiscally healthy and viable, and has funds available for small business loans and other worthwhile projects. The BIDF rarely provides the entire capital required for a project. Capital from other viable sources is always encouraged and when all sources have been exhausted, the BIDF will often step in and cover the shortfall. BIDF goals include: provide loans and investments that cannot otherwise be obtained; spread the risk by investing small amounts, relative to the size of the BIDF, in several diverse projects; seek a reasonable return on investment; and support those projects that create new Navajo jobs.

The Small Business Loan Program under the BIDF provides low interest rate loans ranging from \$10,000 to \$150,000 to small Navajo businessmen for business start-ups and expansion.

Lending activities of the BIDF have been presented in [Table No. 37](#).

5. Low Operational Cost

Operational cost of doing business on the Navajo Nation is relatively lower. Labor cost, the cost of building rental, and the cost of utilities are far lower here than in a metropolitan area. [Table No. 38](#) compares the labor cost on the Navajo Nation with that in some of the metropolitan areas of the United States.

6. Closeness to Markets

Closeness to market is another factor, which can boost the economic development potential of the Navajo Nation. Santa Fe railroad and Interstate 40 lie just on the southern border of the reservation. They provide excellent access to the markets in the southwestern US as well as nationwide.

7. Gaming

The Navajo Nation Council approved gaming three times, and every time, the then President of the Navajo Nation vetoed the resolution recommending for a referendum on the issue. Two times gaming referenda were defeated. The third time around, the gaming was approved. The results of all the three referenda have been presented in [Table No. 16](#). After the passage of the referendum, a number of chapters have already passed resolutions to establish gaming operations within their chapter boundaries.

The Tohajiilee Chapter started working on it even before the third referendum. It has already signed compacts with the State of New Mexico and with the federal government. In 2003, the chapter already had ground-breaking ceremony for a 100,000 square-foot casino. However, because of problems related to access to the prospective casino site, nothing much has happened.

As stated somewhere else, Churchrock became the first chapter to start a casino called Firerock Navajo Casino. Even though it is too early to discuss its profitability, a visit to the casino definitely reveals the fact this operation is definitely going to be very profitable.



8. Alcohol

Native Americans were prohibited by federal law from drinking from 1832 until the repeal of the law in 1953 with the passage of P.L. 83-277, which gave each tribe the authority to legalize and regulate alcohol use on their reservations if they so chose. The Navajo Nation has so far opted to stay dry.

In 1993, the Division of Economic Development conducted a study on legalizing alcohol. The study found that legalizing sale and consumption of alcohol would create 4,344 new jobs, and would bring a substantial amount of revenue to the Nation's coffers. Contrary to popular belief, studies have also found that legalizing alcohol actually helps reduce its abuse. For example, a study conducted by Philip May found that "the overall effect of legalization on alcohol on a reservation is a lower rate of alcohol related deaths than on a similar prohibition reservation."¹³

Consumption or sale of alcoholic beverages is not something to be advocated. However, over a century of experience has showed us that the Navajo Government has not been able to control either the sale or consumption of alcohol by its people. With all the 'wet' border towns around the Nation, it seems very unlikely that we can stop or even curtail the consumption of liquor by some of the Navajo people. With ever declining budget of the Navajo Government, it also seems unlikely that we will be able to control the activities of the bootleggers. Thus, liquor issue, however undesirable it may be, is not something over which we have or may have any control. It is only through proper education, and more importantly thru creation of employment opportunities that we can curtail the abuse of alcohol by some Navajo people. All that requires money: And legalization of alcohol does have potential to provide us with that. On the other hand, prohibition policy is only helping the border towns and the bootleggers – 325 of them - to prosper without any kind of benefits reverting back to the Navajo people. We have all the vices of a 'wet' land, but none of the benefits. As there is no easy way of prohibiting abuse of alcohol by some Navajo people, it may probably be better to legalize it.

In this regard it has to be mentioned that sale of alcohol was legalized for the Antelope Point site in 2001.

D. Constraints

Before we discuss the barriers to economic development, it may be worthwhile to mention that not many people think that the Navajo economy is an underdeveloped or depressed economy. This writer talked to a number of people (informally) regarding the need of economic development on the Navajo Nation. To my great surprise, I found out that most of the people (I talked to) do not think that economic development is something, which is needed on the Navajo Nation. To the ordinary people, better roads, good housing, electricity, closeness to water sources etc. are more important than creation of employment opportunities. When asked if they needed jobs, a number of the respondents did not quite understand even the question. The normal reaction would be, "What job?"

During the month of June and July 2001, Eastern Navajo Regional Business Development Office (RBDO) sent a questionnaire to all the thirty-one Chapters of the Eastern Navajo Agency. 25 Chapters, out of 31, responded to the Survey. One of the questions asked was, "Is economic development a priority in your Chapter?" 15 Chapter Coordinators had responded "yes" and 10 had responded "No". To a second question – "Where does economic development fit into the priorities of your Chapter", it was 'high priority' for 7 Chapter Coordinators, 'mid-level priority' for 5, and 'low priority' for 13 Chapter Coordinators. Thus, for 52 percent of the Chapter Coordinators in the Eastern Navajo Agency, economic development is not something, which you want. By the way Eastern Navajo Agency's unemployment rate in 2005 was 65.70%, which was worst among all the agencies on the Navajo Nation.

¹³ Ronald C. Wood, "Legalization vs. Prohibition of Alcohol on the Navajo Reservation." May 1977. P. 20 (mimeo).



It has also to be pointed out that the opinions above are the opinions of just the Chapter Coordinators, and may not reflect the opinions of the ordinary people. It is quite possible that higher percentage of the ordinary people will respond negatively to the need of economic development. As it was mentioned above, good housing, good roads, electricity, and so on are the things they need - but not jobs.

This is reflected in the fact that the grazing permit holders have rescinded their initial offer of land for business purposes in a number of occasions. This may also be the reason behind moratorium on economic development projects in Chinle.

We believe that the reason for indifferent (and even hostile) attitude towards economic development may lie in various types of welfare payments to the Navajo people, of which the Temporary Assistance to Needy Families (TANF) is the most important one. TANF is just only one of the welfare programs helping the Navajo people. A review of a 1991 report by the Congressional Research Service revealed that eleven federal departments funded approximately 198 programs and services, for which American Indian Governments could apply.¹⁴ According to 2007 American Community Survey of the US Census Bureau, 3,124 or 7.5% of the households (out of a total of 41,645 on the Navajo Nation) were receiving public assistance income in 2007. Furthermore, 11,449 households had Social Security Income, and 6,802 had Supplemental Security Income. And then 8,291 households received food stamps (see [Table No. 14](#)). Neither the aggregate amount, nor the average amount of income derived from these sources, are substantial. Nonetheless, incomes derived from various sources are enough to sustain people's livelihood. Cost of living is quite low: Most of the Navajos own their own houses - trailers or Hogan; and so there is no monthly mortgage or rental to be paid; many of the houses do not have utility or telephone services, and so there are no utility bills or telephone bill either. Thus, incomes derived from various sources turn out to be sufficient to maintain the current standard of living, and so many people do not seem to have any motivation to find employment.

A number of people argue that there is not enough help from the Federal or State Governments to develop the economy in the Indian country, and for that matter on the Navajo Nation. On the contrary, according to a report by the GAO, between 1997 and 1999, there were 98 federal programs under 18 different federal agencies to assist tribes and tribal members with economic development, job creation, entrepreneurship and business development. Interestingly, only fifty-four of the programs were reported as used at least once by at least one tribal entity.¹⁵

It is the Navajo government's (and Federal government's) responsibility to provide full employment for its citizens. It is a basic duty of sovereignty. How long do you think the United States of America would remain a sovereign country if there were a 50%+ unemployment rate? During the Great Depression in the United States, the unemployment rate rose to about 25% for a short time and, even then, there was open talk of anarchy. Had the Federal government not taken steps to create jobs and stimulate the economy, it is likely we would see a much different government today.

Taking into consideration this very important role of a Government, the Division of Economic Development hosted a Navajo Nation Economic Summit at the Northern Arizona University in the year 2000. The primary purpose of the Summit was to openly discuss the barriers to economic development on the Navajo Nation, and develop possible solutions to overcome the barriers. Though there were a number of issues discussed at the Summit, we are summarizing the important ones below:

Private capital inside the Navajo Nation is quite meager to build a thriving economy, and outside capital must be sought. It has to be mentioned here that in this age of corporate world, no country has been able to develop on its own. In recent years we have seen that even the Communist China, which was cut out from the rest of the world, resorted to the Western capital. Because of cheap labor in China, the cost of doing business dropped dramatically for the Western companies. However, it is the people of China who benefited the most. Their income rose significantly because of higher wages compared to what they were

¹⁴ Rick Hill, "Tribes Must Pursue Economic Development". Indian Gaming. April 2002. P.12.

¹⁵ Dr. Shanta Pandey, "Implementations of the Temporary Assistance for Needy Families (TANF) on American Indian Reservations: Early Evidence from Arizona." Kathryn M. Buder Center for American Indian Studies. George Warren Brown School of Social Work. Washington University. St. Louis, Missouri. P.12. (mimeographed).



getting before, their living standard shot up, and only in few years China is considered to be an economic Giant. Now Peoples' Republic of China is the second largest economy in the world. On the other hand, India stayed poor as before. Few years earlier, the Govt. of India realized that adhering to the Gandhian philosophy of shunning the West would lead them to nowhere. And following the path of Thailand and China, they also started inviting foreign investment to India. The result is India has the fastest growth rate of GDP at the moment and currently is the fifth largest economy in the world. However, here in our own backyard, we have been shunning the outside investment: We have passed the Sovereign Immunity Act; we insist on using the tribal courts to solve the disputes with outside investors; and we have the most cumbersome business site leasing process you can imagine to keep the outside investment at bay. Therefore, if we want this capital, we have to do the things necessary for it to come here. There have to be compromises on issues such as sovereign immunity, court jurisdiction/dispute resolution, triple taxation, infrastructure, gaming, alcohol and layers of governmental rules and regulations, and so on.

Some of the areas of the Navajo Nation will never see significant development. There are too few people, no market, no trained labor force, too remote, no infrastructure in many areas. The five or six Navajo growth centers and a few Navajo communities near interstate highways and near larger Anglo-communities stand the best chance to develop significantly. Like it or not, this is where efforts should be concentrated. Look at the United States; most job opportunities are in the cities, not in rural America.

The above statements are a fact of life. The politicians and the people can deny them or ignore them but unless they recognize them and decide to make some compromises, then the situation will remain the same.

If we generally agree with the above, we can proceed to talk about specific barriers. By far the largest barrier to attracting significant outside investment is unwillingness to waive the Sovereign Immunity and insistence on the exclusive use of Tribal courts.

1. Sovereign Immunity Act

The term Sovereign Immunity is very often misunderstood as Sovereignty; and waiving Sovereign Immunity is misconstrued as giving away Sovereignty. "Sovereign Immunity is the right of a sovereign government not to be sued in any court unless it first gives its consent to be sued."¹⁶ The Office of the Comptroller of the Currency defines Sovereign immunity as "a governmental immunity that prevents a court from entering orders against the government in the absence of a clear waiver. As governments, Indian tribes enjoy sovereign immunity from suit under federal common law. Tribal sovereign immunity is similar to the sovereign immunity of the United States or of the individual states. Although tribal sovereign immunity does not cover individual Indians, it does extend to tribal governmental agencies, such as Indian housing authorities."¹⁷

From the above discourse, it becomes clear that Sovereignty and Sovereign Immunity are two different things. When a politician, or a highly placed official says, as we have often heard, "we must never waive our sovereignty", he or she do not know what he/she is talking about. It is interesting to note that even Neal McCaleb, Assistant Secretary-Indian Affairs of the US Department of Interior, speaking at the National Summit of Emerging Tribal Economies kept referring to the term Sovereignty, whereas he meant Sovereign Immunity.

It is impossible for a government to waive its "sovereignty". It can waive sovereign immunity but never sovereignty. Waiving sovereign immunity just means "you can sue me if I breach our contract". In fact, being able to waive sovereign immunity is the sign of a nation's sovereignty. Only a sovereign nation can exercise its power of doing so. In other words, a nation, which is not sovereign, cannot exercise its power of waiving sovereign immunity.

¹⁶ Mark A. Jarboe, Testimony of Mark A. Jarboe before the United States Senate Committee on Indian Affairs. Oversight Hearing on Tribal Sovereign Immunity. March 11, 1998. P. 3.

¹⁷ Office of the Comptroller of the Currency, "Guide to Mortgage Lending in Indian Country." Washington, DC. July 1997. P. 9.



Waiving sovereign immunity is an essential factor in bringing more outside investment onto the Navajo Nation. How do you expect the world to do business with you if you enter into a contractual arrangement and say “I can sue you if you breach our contract; however, you cannot sue me if I breach.” Yet that is largely the position taken here. On June 27 and 28, 2001, the staff of the Division of Economic Development had a “regroupment” conference in a resort and casino located on the Yavapai-Prescott Apache reservation in Prescott, Arizona. Stanley Rice, the then president of the Yavapai-Prescott Apache tribe, made it quite clear to us that to have economic development on the Navajo Nation, we will have to waive our sovereign immunity, similar to what many tribes and sovereign governments have done.

We also need to shift the paradigm and gain 51% equity in the businesses. That will help keep a huge bulk of profits here on the Navajo Nation.

2. Tribal Courts

Along with unwillingness to waive the sovereign immunity, there is also a strong insistence on the exclusive use of the Tribal courts. Naturally, outside investors are quite unwilling to invest their money in such an environment. Like it or not, no outside investor will risk significant investment under a contractual arrangement with the Navajo Nation or its citizens and be restricted exclusively to the Navajo judicial system in the event of a dispute.

There is a perception among the outside investors – and probably a rightful one - that if there is a dispute with a non-Navajo, the Navajo courts are biased in favor of the Navajos. As Senator McCain put it, “Many entrepreneurs think Reservations are not business-friendly, because they've heard a few stories about what sounds like arbitrary tribal decision making.”¹⁸

A number of other tribes have gotten around this problem by allowing binding arbitration. The tribe selects one arbitrator, the outside investor selects one arbitrator and the third arbitrator is selected by agreement between the first two arbitrators. Arbitrators are trained, experienced and relatively unbiased in the subject matter. Most investors are willing to submit final decisions on disputes to this type of arrangement.

The importance of disputes being settled in a fair and independent court can hardly be emphasized enough. To entice tens of billions of dollars of investment in oil and gas, even the Russians, who are ill-famed for protectionism, have agreed that disputes would be settled not in Russian courts, but by arbitrators in Stockholm.¹⁹ No-body would think that the Russians gave away their sovereignty to the Western Oil and Gas companies. Only recently, President Bush signed legislation that allows business disputes on Gila River lands to be resolved in a federal court, rather than in a tribal court. Gila River officials sought the bill to assure those involved in discussions that it would waive sovereign immunity and resolve business disputes off the reservation.²⁰

In this regard, it has to be pointed out that the Navajo Nation has lately started Arbitration too, which definitely is a step forward. The problem is that the arbitrators must be the members of the Navajo Bar Association, which practically means that the arbitrators must be Navajos, which again may put doubt in the minds of many investors.

Some tribes have established “contract courts” where the judges are well educated, highly qualified, experienced trial lawyers; not just someone’s political appointee. Investors tend to feel safe in allowing disputes to go into this type of court. The key words are flexibility and compromise. More

¹⁸ Senator John McCain – Statement before the Tribal Council of the Navajo Nation on January 18, 1996. Mimeographed. P. 6.

¹⁹ The Economist. September 23, 2000.

²⁰ The Arizona Republic. April 05, 2002. (Downloaded from www.arizonarepublic.com/articles).



progressive tribal governments have recognized the problem and done the things necessary to assure fairness. We have not done so yet.

3. Business Site Leasing Process

The Business Site Leasing (BSL) process is one of many challenges for economic development on the Navajo Nation. The BSL is an extensive process with extensive regulations. Before a business can start, signatures are required. Speaking before the Navajo Nation Council on January 18, 1996, Senator John McCain observed, "...it takes three to five years to get the governmental approvals necessary to open a dry-cleaning shop in Window Rock! The same approvals can be obtained in Flagstaff in just 3 days. Now, why on earth is this tolerated? What kind of business climate is that?"²¹

"It took us four or five years to get the necessary permits to set up the NAPA store in Shiprock" said Shawn Redd, owner of the NAPA store in Shiprock. "...Getting the various approvals and permits in Gallup only took about a month."²²

[Table No. 40](#) presents the time requirement (in days) to get a business site lease in selected countries of the world.

Complicated, cumbersome and lengthy process of obtaining a Business Site Lease disappoints many prospective businesspersons to operate a business on the Navajo Nation. And then there is uncertainty of future. Once, a business site lease is "awarded," it may not be readily renewed when it expires.

There are new developments regarding leasing since the remarks by McCain and Redd. The amendment to 25 USC 415 §415, which authorizes the Navajo Nation to develop regulations and issue leases without the approval of the Secretary; the Navajo Nation Business Leasing Regulations of 2005, the Economic Development Committee Uniform Business Leasing Regulations of 2008, The delegation of leasing authority by the Economic Development Committee (EDC) to the Division of Economic Development (DED), the DED Approving Committee to approve leases, the NN Real Estate Department for recording and lease compliance. Leasing authority was delegated to local governments (Shonto Local Government, Kayenta Township) and pending for the Tuba City Chapter and two entities are in the process of preparing their BSL Plans for leasing authority. Since the enabling legislation, NN has 15-16 approved leases. Lease renewal is not as cumbersome as CEDS makes it out to be. It requires a letter of request for recommendation by DED and approval by the President.

It is believed that the involvement of BIA in granting a business site lease has exacerbated the process. To ease this process, the Navajo Nation decided to sideline the BIA from the process, and be only the second tribe - after Tulalip reservation in the state of Washington - to take over the business site leasing process in its own hands. After a lot of internal discussions and hearings, a request was made to the United States Congress to pass a law which will eliminate BIA from the process. Subsequently, the Navajo Nation Trust Land Leasing Act of 2000 - 25 USC §145(e) was passed by the United States congress, and signed into law by the then president Bill Clinton. Following the passage of the law, the secretary of interior requested the Navajo Nation to develop business site regulations. The Navajo Nation developed the regulations and submitted the document to the Department of Interior in August 2005.

[Figure III](#) presents the current Business Site Leasing Approval Flow Chart on the Navajo Nation.

E. Dual Taxation

²¹ Senator John McCain. *ibid.*

²² The Gallup Independent. July 10, 2002.



Taxation in itself is not a vice. The Navajo Nation is a sovereign nation, and it has all the right to impose various taxes as any other sovereign nation does. Problems arise from dual taxation encountered by many of the businesses on the Navajo Nation. Dual taxation occurs when two different taxing jurisdictions tax the same transaction or income. On the Navajo Nation, this occurs when both a state and the Nation tax the same transaction. The Navajo Nation does not have an income tax, so there is no dual taxation of income. However, several of our taxes do overlap with the surrounding states' taxes. It should be noted that federal taxes apply on income and activities within the Navajo Nation in the same manner as outside the Indian Country. Examples of dual taxation on the Navajo Nation are as follows:

First, our Oil and Gas Severance Tax is imposed on all oil and gas severed from the Navajo Nation. All three states also impose similar taxes, and companies must pay both taxes.

Next, our Sales Tax overlaps with the states' excise taxes. As an initial matter, it should be noted that the states cannot impose their excise tax on transactions in the Arizona and New Mexico portions of the Navajo Nation, if either the buyer or the seller is a Navajo; and in Utah, the tax does not apply if the buyer is a Navajo. Therefore, in general, the only transactions that are taxable by a state are ones where both the buyer and seller are non-Navajos. This occurs most often in construction contracts such as state highway construction or federal contracts for schools or medical facilities. If the construction project is being performed for the Navajo Nation by a company owned by a Navajo, or an individual Navajo, no state tax applies; only the Navajo Sales Tax applies.

In the area of taxation of tobacco, both state and tribal taxes apply, although in the Arizona portion of the Nation, where there are two state taxes on tobacco, the second state tax is offset by the Navajo Tobacco Products Tax. In other words, a taxpayer can take a credit against that state tax for tribal taxes paid.

We have been able to address the dual taxation of fuel through legislation or intergovernmental agreements. As a result, there is no dual taxation of fuel within the Navajo Nation, with the exception of diesel sold in the New Mexico portion of the Nation.

(The section on dual and triple taxation was contributed by Amy Alderman, Tax Attorney from the Office of the Navajo Tax Commission).

1. The Complex Issue of Land

The complexity of land ownership and control on the Navajo Nation is a basic problem of Navajo law. The majority of the Navajo Nation (the "Rez" or Big Navajo) is tribal trust land. Tribal trust land is legally "owned" by the United States, as trustee, for the tribe as a whole. The Nation, as beneficiary of the trust, does not need the permission of the trustee to use its own land. However, any "alienation" of land (usually through a lease, the concept of "selling" land is unacceptable to most Navajos) may be done only with the approval of the trustee.

However, even though the population density on the Navajo nation is less than ten people per square mile, the tribal trust lands on Navajo are completely occupied by "withdrawals" for governmental and business purposes, and primarily by customary use areas, often coupled with BIA issued grazing permits, which create an unwritten but perpetual "exclusive use" for an area. As a result of these customary uses, it has been estimated that 80% or more of tribal trust lands on the Navajo Nation are controlled by less than 20% of the Navajo families.

In addition to tribal trust lands there are Individual Indian Allotments harkening back to the days of the General Allotment Act of 1888. There are 160 acre parcels, primarily in the Eastern Agency which are beneficially owned by individuals or individual families, but held in trust for those families by the United States in much the same manner that tribal trust lands are held in trust for the entire Navajo Nation.

The Navajo Nation today is considerably larger than the original 1868 reservation, having undergone more than 20 expansions since that time. Each time the reservation boundaries were expanded, the expansions were subject to existing fee land interests. As a result there are pockets



of privately owned fee lands throughout the Navajo Nation. Many large blocks of fee land, particularly in the Eastern Agency, have been purchased by the Nation itself as a part of its land acquisition program.

There are also pockets of state-owned lands on the Nation (so called “school lands”) in expansion areas and a considerable amount of BLM controlled federal land in the eastern Agency. In addition, there are the so called “Executive Order” withdrawals where the federal government has appropriated land for the purpose of providing services to member of the Nation.

2. The Legal Matrix

a. Federal Law

Federal Law governs land transactions on much of the Navajo Nation where the Long Term Leasing Act (25 USC 415) and the regulations issued under that act (25 CFR 162) apply. Federal law also governs rights-of-ways and mineral and timber extraction. The federal government also has concurrent criminal jurisdiction with the Navajo Nation over major crimes.

b. State Law

Under Navajo Nation Choice of Law Rules, Navajo Courts are permitted to apply state laws on principals of comity in the absence of Navajo or applicable federal law. However, the Navajo Nation government itself is *never* subject to state law, although private parties may agree to use state law in disputes to be settled by Navajo courts.

There is little question that Navajo Courts have jurisdiction on tribal trust lands, although there are issues as to jurisdiction on rights-of-ways and fee land (where the issue become whether or not the lands are “Indian Country”). The entire Eastern Agency, being outside of the boundaries of the reservation, is a major jurisdictional problem although the area is an integral part of the Navajo political social systems, and the Navajo Nation exercises effective civil and criminal jurisdiction over most of this area.

(The sections on the Complex Issue of Land and the Legal Matrix have been extracted from a paper, entitled the Legal Consideration of Doing Business on the Navajo Nation”, presented by James Fitting, the then Assistant Attorney General; to the Arizona Association for Economic Development on October 11, 2005)

c. Navajo Law

There are three levels of Navajo Law to consider: Statutory Law, Case Law and Common Law. The Navajo Council has enacted 26 Titles to the Navajo Nation Code (two of which have been repealed). The Navajo Nation Code has recently been published by Wests in four volumes which costs \$500, with a CD for \$450, or the package for \$750. The Code should soon be available on Westlaw.

The Navajo Nation Code is strongly protective of Navajos in the area of employment and contracting. It also provides that only the Navajo Nation Council can waive the sovereign immunity of the Navajo Nation and then only by 59 votes (2/3) of the full Council.

Navajo Case Law includes published decisions going back almost 40 years. Publication has been sporadic, particularly over the past ten years, but recent decisions are available on the Supreme Court Web site and all decisions probably will be available on Westlaw in the near future.

The third level of Navajo law is Navajo Common Law, or Navajo custom or tradition. The statutes allow the courts to use common law, and in the absence of statutes or applicable



federal law. Common law is essentially unwritten and some of it is sacred lore, which can neither be written nor even talked about outside of ceremonial contexts. It is largely equitable and primarily deals with interpersonal relationships.

Navajo law and civil procedure is complex, and anyone doing business with the government, courts, administrative bodies, or even other businesses, would be well advised to have their legal representatives associate with a member of the Navajo Nation Bar.

3. Lack of Hotels and Motels

Tourism development stands a very good chance of reducing unemployment here. People from all around the world already come to this region. The Nation just has to do a better job of capturing the tourist dollars. This does not mean more advertising and promotion, but more tourism infrastructure, viz. a viz., more quality hotel rooms, restaurants and tour packages. We have only thirteen motels with 925 rooms on the Navajo Nation, whereas a small city of Gallup, New Mexico has 40 lodging facilities with 2,200 rooms (see [Table Nos. 33A](#) and [33B](#)). There are no RV parks, rest areas, or welcome centers on the Navajo Nation. Organized tours are few and far between. Most importantly, when the tourists come, they must be guaranteed a quality experience that they won't forget. Alcohol drinks are a part of a quality experience for most tourists. The Nation must allow alcohol drinks in certain places. The Navajo Nation already has world-renowned natural attractions. Why not focus on this potential more? Right now we have plenty of tourist – 3.2 million annually, but not tourist dollars.

4. Grazing Permit

Although land is abundant, it has constraints that curtail quick solutions to improve an economically depressed area. The majority of the Navajo land is held in trust by the BIA. When the Tribe needs to use it for a specific purpose, it has to be withdrawn from the BIA. This process can take as long as three years, sometimes even longer. Also there is something called grazing permit, which was developed by the BIA in early 1930's in an effort to prevent overgrazing and to control erosion. The permits were issued to use the grass and other surface plants for grazing. Over the years, the grazing permits were used and treated as land use permits, which was not the original intent. The situation has given the grazing permit holders a sense of ownership, and their permission is needed to pursue any economic development project on or near areas they claim as their land.

Many economic development projects have failed to become reality simply because grazing permit holders did not consent to any development in their grazing areas, and in a number of occasions, the grazing permit holders have rescinded their earlier offer of land. Two solutions can be offered to solve this problem, which are not mutually exclusive.

First, we should buy off the grazing permits in major communities, townships, and wherever economic development seems highly possible. In other words we should compensate the grazing permit holders for relinquishing their hold on the land.

Secondly, we should levy a tax on the grazing permits, which will force many of the grazing permit holders to voluntarily relinquish their hold on the land. Many of the grazing permit holders do not have any livestock anyway.

These parcels of lands should then be turned into enterprise zones with one separate authority (which may be named as the Economic Development Authority) which will solely be responsible to provide business site lease, along with other powers related to an enterprise zone.

5. Lack of Infrastructure

Expenses of bringing water, power, phone, roads, and sewer systems to a business site are enormously high. [Table No. 39](#) presents the available road system on the Navajo Nation.



Moreover [Table No. 14](#) presents availability of various utilities as well as telephone services in the Nation's housing units.

6. Lack of Entrepreneurs

Entrepreneurs are the movers and shakers of an economy. These are the people who pull together various resources of production - Land, Labor and Capital and get the economy moving forward. While, there are certainly a number of Navajo entrepreneurs selling rugs and jewelry; arts & crafts; food items, e.g., hamburgers, mutton stew & fry bread and other items; those with a high level of organizational ability required by a modern economy, are very few and far between. And these higher caliber entrepreneurs prefer to run businesses somewhere else rather than on the Navajo Nation, because of the above-mentioned cumbersome bureaucratic process of getting a business site lease and uncertain future.

7. Lack of Capital

There are not very many Navajo people who have any significant amount of savings or equity, which can be used as collateral to borrow money from financial institutions. To fill this gap, the Nation has established the Business and Industrial Development Fund (BIDF) and Micro Enterprise Loan Program MELP), which are administered by the Support Services Department of the DED. These funds offer various business loans to qualified Navajos. However, collateral is required to obtain a loan from these funds too. Many Navajo people cannot access the loan because of a lack of collateral. Secondly, these funds are not adequate to address the vast capital needs of the Navajo economy.

8. Lack of Banking

Navajo Nation lacks banking and other financial institutions to support businesses and industries. There are altogether five financial establishments on Navajo Nation to serve the financial needs of over 200,000 people, whereas Gallup, a city of 25,000 people has eight.

Besides, there are a host of other constraints, which are responsible for slow economic growth on the Navajo Nation and in most of the Indian country.

As it was mentioned above, it is very hard to get business site lease. Interestingly, many of the business site leases never get developed because of the problems mentioned above. [Table No. 25](#) presents the number of business site leases on the Navajo Nation. It is quite sad to note that 57.07% of the business site leases are inactive.



Chapter VI: Education & Health

A. Education

1. Secondary Education:

Educational services at high school level or below are provided by eight types of educational establishments on the Navajo Nation. They are: 1) Arizona Public Schools; 2) New Mexico Public Schools; 3) Utah Public Schools; 4) Bureau of Indian Affairs Schools; 5) Grant Schools; 6) Association of Navajo Controlled Schools; 7) Chartered Schools; and 8) Private Schools. Besides, the Nation also has the Headstart Program operated by the Navajo Nation Government.

Most common schools (K-12) receive funding from the Navajo Nation under the Johnson O'Malley program.

[Table No. 48A](#) presents current school enrollment figures for the population 3 years or over in the United States by race. [Table No. 48B](#) presents School Enrollment data for the Navajo Nation, USA, Arizona, New Mexico and Utah.

One of the major problems faced by the Nation in this respect is very high dropout rate among the Navajo high school students compared to that in the United States. For example, a study conducted by the US Department of Education found this rate to be 3.8% in 2006 for the US population as a whole (see [Table No. 46](#)). This rate for some selected schools on the Navajo Nation in 2005 ranged from 2.04% to 38.3% (see [Table No. 45](#)).

2. Higher Education

- ***Dine' College:*** The Dine' College is the most important post-secondary educational institution on the Navajo Nation. This prestigious institution of higher learning was chartered by the Navajo Nation in 1968. The founders of the Dine' College envisioned a unique school where Navajo students could receive an associate degree and prepare for a career while learning about their own history, culture, language and philosophy. It has grown from a one-campus College to a multi-campus institution with eight campus sites located in major population centers on the Navajo reservation. Since its establishment, it has enrolled over 145,000 students and has conferred approximately 2,500 degrees and certificates. Enrollment and graduation figures for the Dine' College has been presented in [Table Nos. 43](#) and [44](#) respectively.
- ***Crownpoint Institute of Technology:*** Crownpoint Institute of Technology (CIT) located at Crownpoint, New Mexico, is another establishment of higher education. CIT provides vocational and technical training to approximately 400 Navajo students annually.
- ***Kayenta Center of the Northern Arizona University:*** Kayenta Center of the Northern Arizona University is yet another institution of Higher Education on the Navajo Nation. This center started its operation only recently.
- ***Northland Pioneer College:*** Kayenta is home of one of Northland Pioneer College's six centers. The College's centers provide a range of classes towards various degree programs and other student support services, e.g., academic advising, bookstore, library, and student writing center. Classes are provided in-person and via distance learning: interactive-audio, interactive-video, and Internet. In addition to Kayenta Center, Northland provides numerous special interest classes in communities throughout the Navajo Nation: Most notably Early Childhood Education classes at most Navajo Headstarts, and adult basic education classes in 11 Navajo Nation communities, plus the New Lands at Sanders. The College also has



dual enrollment agreements with several School Districts serving the Navajo Nation: Chinle, Ganado, Monument Valley, Pinon, Valley (Sanders). Concurrent enrollment enables high school students to begin earning college credit while still enrolled in high school.

3. Scholarships

The office of Navajo Nation Scholarship and Financial Assistance has been providing scholarships to the Navajo students attending various colleges and universities for a number of years. In 2007, with the help of the Office of Navajo Scholarship and Financial Assistance, a total of 5,984 scholarships were awarded to the Navajo students attending various colleges and universities across the country. The total dollar amount was \$13.6 million. Of this amount the Federal funds accounted for \$8.9 million or 65.4%, General Funds accounted for 34.6% (see [Table Nos. 47A](#) and [47B](#)).

Education level on the Navajo Nation is substantially lower compared to other geographical areas or other ethnic groups. According to American Community Survey 2007, only 63.5% of the total population living on the Navajo Nation over the age of 25 had High School degree or higher, and only 8.60% had Bachelor's degree or higher (see [Table No. 49C](#)). Respective numbers for the US are 84.5% and 27.50%; for Arizona, 83.5% and 25.3%; for New Mexico, 82.3% and 24.8%; and 90.2% and 28.7% for the state of Utah.

4. Health

Health Care for many Native Americans in this country sinks to Third World levels. According to a draft report by the U.S. Commission on Civil Rights, deaths from alcoholism are 770 percent more likely among Native Americans than the general population; from tuberculosis, 650 percent; and from diabetes, 420 percent. In some tribes, one in two people suffer from diabetes. The Indian Health Service, primary health care provider for more than 1.6 million members of federally recognized tribes, is so under-funded that it spends only \$1,914 per patient per year; about half of what the government spends on prisoners (\$3,803), and far below what is spent on the average Americans (\$5,065). Funding is so low that to be transferred out of an IHS facility for specialized treatment, a patient must be in danger of losing a life or limb.²³

- a. **Birth and Death rates:** Birth-rate on the Navajo has been declining over time. For example, birth-rate for the Navajo populace was 31.1 per 1,000 population in 1990-92. This number has dropped to 21.7 in 1996-98. Nonetheless, the birth-rate of the Navajo population is still higher than the U.S. birth-rate which was 16.3 per 1,000 population in 1990-92 and has dropped to 14.5 in 1996-98 (see [Table No. 50](#)). In the same period, the mortality rate for the Navajo area has remained unchanged. For example, mortality rate for the Navajo areas was 628.7 per 1,000,000 population in 1990-92. In 1996-98 the figure is almost the same - 628.9. For the US, the number was 513.7 in 1990-92 and dropped to 479.0 in 1996-98 (see [Table No. 51](#)).
- b. **Homicide and suicide rates:** Are higher on the Navajo Nation compared to overall US population. In 1990-92, homicide-rate in the Navajo area was 19.3 per 100,000 population which slightly increased to 19.7 in 1996-98. For the US as a whole, this number declined from 10.9 per 100,000 population in 1990-92 to 8.0 in 1996-98. The suicide-rate in the Navajo area was 18.2 per 100,000 population in 1990-92 which declined to 16.8 in 1996-98. The numbers for the US population in general were 11.4 in 1990-92 and 10.6 in 1996-98 (see [Table No. 52](#)).
- c. **Infant Death Rate:** Has decreased from 9.4 per 100,000 population in 1990-92 to 8.2 in 1996-98. The US numbers were 8.9 infant deaths per 100,000 population in 1990-92 which decreased to 7.2 in 1996-98 (see [Table No. 53](#)).

²³ Editorial in the Washington Post. Monday, August 30, 2004. P. A22.



- d. **Life expectancy:** The life expectancy at birth was 73.3 for the Navajo area in 1996-98 and 76.5 for the US overall population in 1997 (see [Table No. 54](#)).

5. Service Providers

There are a number of entities – both private and public, which provide health care services to the Navajo people. Important ones have been described below:

- a. **Navajo Area Indian Health Services:** The Navajo Area Indian Health Services (NAIHS) is by far the largest provider of health care services to the Navajo people. It administers numerous clinics, health centers, and hospitals, providing health care services to the members of the Navajo tribe. The Navajo Area coordinates with both the Phoenix and Albuquerque IHS Area Offices for the delivery of health services to the Navajo, Hopi, and Zuni Reservations because these reservations are close to each other. The number of various medical establishments run by the Navajo Area Indian Health Services has been provided in [Table No. 55](#).
- b. **Division of Health:** A major portion of the Navajo Nation health care delivery system is sponsored by the Navajo Tribe itself. The Navajo Division of Health Improvement was originally established in 1977. Later, it was re-named as Navajo Division of Health (NDOH). It has the mission of ensuring that quality and culturally acceptable health care is available and accessible to the Navajo people through coordination, regulation, and where necessary, through direct service delivery. The NDOH also provides a variety of health-related services in the areas of nutrition, aging, substance abuse, behavioral health, and emergency medical services (e.g., ambulance). The Division has community health representatives (CHR) scattered all across the Navajo Nation. The Division has three departments which are directly involved in providing health care services. It provides services in the area of alcohol/substance abuse, mental health, domestic violence, FAS/FAE, physical fitness, DWI services, traditional healing, and health education. It also operates Nanizhooni Center in Gallup which provides temporary shelter to people suffering from alcohol abuse. The center does not provide treatment.

Currently, NDOH provides health care, food supplement and other support services to thousands of Navajo individuals - infants, children, youths, adults, elders and their families - through over 30 different programs and projects throughout the Navajo Nation. NDOH also provides an array of services through subcontracts with other service providers.

The operating annual budget of NDOH is over \$78.0 million of which 85% come from federal, state and local governments and other private agencies. The other 15% come from the Navajo Nation general funds including as part of the matching requirements. There are over 1,400 professional, technical and support service personnel working for NDOH at Window Rock central office and its field offices/clinics located throughout the Navajo Nation.

NDOH provides services thru 5 Agency offices, 8 Service Delivery Areas, 110 Chapter communities and thru many contractors located both on and off the Navajo reservation.

The NDOH provides health care services to the Navajo people thru the following programs:

Health Programs and Projects

Behavioral Health Services (includes AZ funded Regional Behavioral Health Program)
Community Health Representative Program (include CHR, Social Hygiene Tuberculosis Control, and AIDS/HIV Programs)

- Health Education Program
- Public Health Nursing (Kayenta) Program



- Environmental Health and Sanitation Program
- Navajo Area Agency on Aging (include Senior Citizen Center, Adult-in-Home Care, Elderly Home care, Foster Grandparent, and Dine Elder Protection Programs)
- Women, Infant, and Children (WIC) Program
- Food Distribution Program
- New Dawn Program
- Uranium Workers Program
- Breast and Cervical Cancer Prevention Program
- Special Diabetes Program
- Bio-Terrorism Program

The NDOH also oversees Native American Research Center for Health (NARCH) Project, Epidemiology Center and Trauma System Development Project, and few other projects.

- c. **Others:** Besides, there are also a number of private and public establishments that provide health care services to the Navajo people. Notable ones are the Sage Memorial Hospital located in Ganado, AZ, and the Monument Valley Hospital in Monument Valley. Additionally, there are a number of chiropractors, dentists and optometrists, as well as a number of traditional Medicineman who cater to the health care needs of the Navajo people.



Chapter VII: Conclusion

The Navajo Nation has very often been compared to a Third World economy. As we discussed earlier, the unemployment rate on the Navajo Nation is very high - 50.52% as of December 31, 2007. We also discussed that true unemployment rate is substantially higher - 70.29%. The high unemployment rate has resulted in very low Per Capita Income and high poverty rate. As found in [Table No. 21](#) our Per Capita Income was \$7,121.8 in 2007, which is substantially lower than that of any state, and 36.76% of the Navajo people live below poverty level. A few years ago, the Division of Economic Development had concluded that 3,544 jobs had to be created annually to maintain the status quo, i.e., to stay at the same level of unemployment rate. We are nowhere close to that number.

Moreover, the Welfare Reform Act of 1996 requires that the Nation must create jobs for at least 10% of the TANF recipients to avoid penalty. The TANF program has been taken over by the Nation since April 1, 2002, and now it has become the responsibility of the Navajo Nation to create employment for at least 10 percent of the TANF recipients to avoid penalty.

Thus, the Navajo Nation is currently faced with a massive task of creating jobs - not only to accommodate the current welfare recipients, but also to reduce the massive unemployment rate of 50.52%.

Poor economic conditions have a direct impact on the social life of the Navajo people. According to a report published in the Navajo Times (March 20, 2003), the Navajo Nation had 36,944 alcohol-related incidents, 8,262 Driving Under the Influence cases, with 5,000 ending in arrests in 2002. Additionally, 2,842 were other alcohol-related activities such as bootlegging. Reported public intoxication incidents were 26,968 with 13,348 resulting in arrests.²⁴ We believe that lack of employment opportunities is directly responsible for the abuse of alcohol by some Navajo individuals.

Economic development creates wealth which leads to freedom. "The usefulness of wealth lies in the things that it allows us to do – the substantive freedoms it helps us to achieve"²⁵ wrote Amartya Sen in *Development as Freedom*. Of course, this concept applies not only to individuals, rather to the society at large as well.

Thus, it is imperative that the creation of employment opportunities be the main focus of the Navajo Nation.

The Division of Economic development has been assigned with this extremely important, but difficult task of creating employment opportunities on the Navajo Nation. However, this massive task cannot be accomplished by the Division of Economic Development alone. We would suggest the following:

- Economic development should truly be the top priority of the Navajo Nation. It seems that even though economic development is talked about extensively, and particularly before the elections, it is largely forgotten afterwards. The latest actions of the U.S. government show what a government can and should take steps to boost the economy. We are nowhere close to that.
- To entice outside investment onto the Navajo Nation, we should exercise our authority of waiving sovereign immunity. It is a proven fact that without a Base Industry, an economy cannot be developed in the true sense of the word. Because of this very fact, any country, which is serious about economic development, goes a long way to entice foreign investments. Peoples' Republic of China and India are the latest examples. Various communities in the United States provide different types of incentives to the businesses so that they can move into those communities. According to the Arizona Department of Commerce, incentives have come to play an increasingly critical role in business attraction. Many states and local communities have set aside substantial sums of money to support projects they deem desirable. Incentive

²⁴ The Navajo Times. March 20, 2003.

²⁵ Sen, Amartya. *Development as Freedom*. New York: Anchor Books. 1999. pp. 14.



assistance can be based on any number of criteria, but typically place a great deal of weight on the number and quality of jobs being created. Here, on the Navajo Nation, we are just doing the opposite. We are literally forcing the outside investment to stay away by insisting on not waiving sovereign immunity, or insisting on the exclusive use of tribal court system.

- We must make the Business Site Leasing process as easy as it can be made. The Division of Economic Development has worked very hard to streamline this process. Now, we have been able to by-pass Bureau of Indian Affairs in this process. Hopefully, this will help shorten the cumbersome business site leasing process
- The Division's project budget should be increased dramatically. We almost never have any money for development purposes. It may be worthwhile to note that the annual budget of the Division of Economic Development, which is supposed to help create jobs for the people, hovers around just \$6 million. For example, the Division's budget is merely 1.23% of the Executive branch's total budget in FY 2009. Furthermore, it is so pathetic that the share of the Division's budget has declined has continuously been declining (see [Table No. 9B](#)).

Economic development is an extremely difficult task on the Navajo Nation. Even the current president of the Navajo Nation acknowledged this bitter truth. However, he believes that lack of infrastructure is to be blamed for this.²⁶ We believe that various barriers discussed earlier are the true reasons of our backwardness. The Office of the President & the Vice-President, the Navajo Nation Council, the Judicial Branch, other tribal Divisions, and the Chapters – all must make a concerted effort to eliminate the barriers to outside investment.

²⁶ The Navajo Nation Messenger. March 22, 2006.



Table 1: Type of Navajo Nation Lands & Leases

as of 3/31/1998

Types of Lands	Arizona	New Mexico	Utah	Total
Navajo Nation Trust	10,158,784.82	2,795,418.26	1,223,933.96	14,178,137.04
Navajo Nation Fee	585,169.98	357,000.00	424.90	942,594.88
Individual Indian Allotment	81,963.81	671,043.50	9,741.80	762,749.11
State Lands Lease	256,905.79	126,760.10	-	383,665.89
BLM Leases	-	150,002.23	-	150,002.23
U.S. Forest Service Permit	174,000.00	-	-	174,000.00
Government E.O. PLO & School Tract		91,838.99	5.99	91,844.98
New Lands	345,032.00	-	-	345,032.00
	11,601,856.40	4,192,063.08	1,234,106.65	17,028,026.13

The Navajo Nation has: 17,028,026.13 Acres of land or
 26,606.29 Sections Square miles of land or
 739.06 Townships of Navajo Nation Lands and Lease Lands.

Source: Title Section ONLA, Lands Department, Division of Natural Resources.



Table 2: Population of Navajo Nation per 1980, 1990 & 2000 Censuses

Chapters	1980	1990	2000
Alamo	1,062	1,228	2,072
Aneth	1,641	1,949	2,286
Baca/Prewitt	1,452	666	889
Becenti	246	193	506
Beclabeto	484	385	819
Birdspring	718	640	829
Black Mesa	352	455	398
Bodaway/Gap	1,238	1,649	1,837
Bread Springs	1,005	1,147	1,017
Burnham	325	245	240
Cameron	901	1,011	1,231
Canoncito	969	1,181	1,649
Casamero Lake	407	555	549
Chichiltah	1,371	1,442	1,692
Chilchinbeto	1,028	1,177	1,325
Chinle	4,893	7,000	8,756
Church Rock	1,633	1,684	2,802
Coalmine Mesa	852	256	374
Coppermine	684	423	673
Cornfields	645	547	830
Counselor	582	1,211	1,018
Cove ¹	397	442	0
Coyote Canyon	835	1,226	957
Crownpoint	1,295	2,468	2,906
Crystal	475	725	778
Cudeii ²	754	493	0
Dennehotso	1,600	1,548	1,626
Dilkon	1,344	1,744	2,206
Forest Lake	414	373	573
Fort Defiance	4,656	5,881	5,754
Fruitland, Upper	1,529	2,268	2,892
Ganado	1,934	2,472	3,030
Hard Rock	1,220	1,065	1,256
Hogback	1,488	735	1,386
Houck	1,068	1,322	1,529
Huerfano	1,511	487	2,366
Indian Wells	965	1,171	970
Inscription House	895	1,010	1,214
Iyanbito	852	969	1,034
Jeddito	980	1,051	1,299
Kaibeto	952	1,529	1,970

Chapters	1980	1990	2000
Klagetoh	844	760	1,037
Lake Valley	301	398	442
Lechee	1,060	1,561	1,890
Leupp	1,298	1,503	1,605
Little Water	582	636	571
Low Mountain	910	664	923
Lower Greasewood	1,154	1,166	1,408
Lukachukai	1,580	2,055	2,012
Lupton	740	857	1,000
Manuelito	394	623	358
Many Farms	2,048	2,133	2,773
Mariano Lake	718	720	870
Mexican Springs	942	710	1,318
Mexican Water	635	496	815
Nageezi	933	974	1,003
Nahata Dziil	0	442	1,452
Nahodishgish	272	313	404
Naschitti	1,323	1,533	1,695
Navajo Mountain	554	587	632
Nazlini	825	1,070	1,151
Nenahnezad	1,426	1,244	1,695
Newcomb ³	601	613	0
Oak Springs	352	441	613
Ojo Encino	148	577	709
Oljato	1,651	1,913	2,292
Pinedale	931	608	1,129
Pinon	1,852	2,049	3,066
Pueblo Pintado	580	447	464
Ramah	1,163	1,114	1,676
Red Lake	2,315	2,203	2,412
Red Mesa	857	1,146	1,138
Red Rock	1,573	1,022	2,030
Red Valley	1,063	968	1,742
Rock Point	920	981	1,367
Rock Springs	1,416	1,295	992
Rough Rock	778	1,009	919
Round Rock	655	774	1,292
Saint Michaels	3,814	5,255	6,147
San Juan ⁴	556	536	19
Sanostee	1,943	2,070	1,908
Sawmill	727	850	914



Table No. 2: Population of Navajo Nation per 1980, 1990 & 2000 Censuses

Chapters	1980	1990	2000
Kayenta	3,999	4,902	6,315
Kinlichee	966	1,305	1,404
Shonto	1,881	2,330	2,419
Smith Lake	579	504	1,067
Tachee/Blue Gap	1,022	1,058	1,443
Tecnospos	1,250	1,171	1,323
Teestoh	1,004	881	934
Thoreau	1,341	1,336	1,450
Tohatchi	1,572	1,460	2,076
Tolani Lake	739	651	755
Tonalea	1,548	2,066	2,537
Torreón/Star Lake	1,157	1,326	1,818
Tsaile/Wheatfields	1,212	1,678	2,044

Chapters	1980	1990	2000
Sheep Springs	596	658	821
Shiprock	6,103	7,850	9,279
Tsayatoh	1,172	1,288	747
Tselani	1,084	1,422	1,351
Tuba City	5,416	7,305	8,736
Twin Lakes	1,692	1,952	2,251
Two Grey Hills	977	831	1,838
Whippoorwill	659	852	1,457
White Cone	913	866	1,383
White Horse Lake	429	603	547
White Rock	172	200	60
Wide Ruins	1,248	1,299	1,225
Total	129,553	146,001	180,462



Table 3: Population Projection of the Navajo Nation till 2020

Chapters	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2020
Alamo	2,072	2,110	2,148	2,187	2,227	2,267	2,308	2,350	2,393	2,587	2,436	2,971
Aneth	2,286	2,328	2,370	2,413	2,457	2,501	2,546	2,593	2,640	2,854	2,688	3,279
Baca/Prewitt	889	905	922	938	955	972	990	1,008	1,026	1,109	1,045	1,274
Becenti	506	515	525	534	544	554	564	574	584	631	595	726
Beclabeto	819	834	849	865	881	897	913	930	947	1,024	964	1,175
Birdspring	829	844	859	875	891	907	923	940	957	1,035	975	1,189
Black Mesa	398	405	413	420	428	435	443	451	459	496	468	571
Bodaway/Gap	1,837	1,870	1,904	1,939	1,974	2,010	2,047	2,084	2,122	2,294	2,161	2,634
Bread Springs	1,017	1,036	1,054	1,074	1,094	1,113	1,133	1,154	1,175	1,270	1,196	1,459
Burnham	240	244	249	253	258	262	267	272	277	299	282	344
Cameron	1,231	1,253	1,276	1,299	1,323	1,347	1,371	1,396	1,421	1,536	1,447	1,765
Canoncito	1,649	1,679	1,710	1,741	1,773	1,805	1,838	1,871	1,905	2,059	1,940	2,365
Casamero Lake	549	559	569	580	591	601	612	623	634	685	646	788
Chichiltah	1,692	1,723	1,754	1,786	1,819	1,851	1,885	1,919	1,954	2,112	1,989	2,427
Chilchinbeto	1,325	1,349	1,374	1,399	1,424	1,450	1,476	1,503	1,530	1,654	1,558	1,901
Chinle	8,756	8,915	9,078	9,243	9,411	9,582	9,756	9,933	10,114	10,933	10,298	12,558
Church Rock	2,802	2,853	2,905	2,958	3,012	3,066	3,122	3,178	3,236	3,498	3,295	4,019
Coalmine Mesa	374	381	388	395	402	409	416	424	432	467	440	537
Coppermine	673	685	698	710	723	736	749	763	777	840	791	965
Cornfields	830	845	860	876	892	908	924	941	958	1,036	976	1,190
Counselor	1,018	1,037	1,055	1,075	1,095	1,114	1,134	1,155	1,176	1,271	1,197	1,461
Cove ¹	0	0	0	0	0	0	0	0	0	0	0	0
Coyote Canyon	957	974	992	1,010	1,028	1,047	1,066	1,085	1,105	1,195	1,125	1,372
Crownpoint	2,906	2,959	3,013	3,068	3,124	3,180	3,238	3,296	3,356	3,628	3,417	4,168
Crystal	778	792	807	821	836	851	866	882	898	971	914	1,115
Cudeii ²	0	0	0	0	0	0	0	0	0	0	0	0
Dennehotso	1,626	1,656	1,686	1,716	1,747	1,779	1,811	1,844	1,878	2,030	1,912	2,332
Dilkon	2,206	2,246	2,287	2,329	2,371	2,414	2,458	2,502	2,548	2,754	2,594	3,164
Forest Lake	573	583	594	605	616	627	638	650	662	716	674	822
Fort Defiance	5,754	5,859	5,965	6,074	6,185	6,296	6,410	6,526	6,645	7,183	6,766	8,253
Fruitland, Upper	2,892	2,945	2,998	3,053	3,109	3,165	3,223	3,281	3,341	3,612	3,401	4,148
Ganado	3,030	3,085	3,141	3,198	3,256	3,315	3,375	3,436	3,499	3,782	3,562	4,345
Hard Rock	1,256	1,279	1,302	1,326	1,350	1,375	1,400	1,425	1,451	1,569	1,477	1,802
Hogback	1,386	1,411	1,437	1,463	1,490	1,517	1,545	1,573	1,602	1,732	1,631	1,988
Houck	1,529	1,557	1,585	1,614	1,643	1,673	1,703	1,734	1,766	1,909	1,798	2,193
Huerfano	2,366	2,409	2,453	2,498	2,543	2,590	2,637	2,685	2,734	2,955	2,784	3,394
Indian Wells	970	988	1,006	1,024	1,043	1,062	1,081	1,101	1,121	1,212	1,141	1,391
Inscription House	1,214	1,236	1,259	1,281	1,304	1,328	1,352	1,377	1,402	1,516	1,428	1,740
Iyanbito	1,034	1,053	1,072	1,091	1,111	1,131	1,152	1,172	1,193	1,290	1,215	1,482
Jeddito	1,299	1,323	1,347	1,371	1,396	1,421	1,447	1,473	1,500	1,622	1,527	1,863
Kaibeto	1,970	2,006	2,042	2,080	2,118	2,156	2,195	2,235	2,276	2,460	2,317	2,826
Kayenta	6,315	6,430	6,547	6,666	6,787	6,910	7,036	7,163	7,293	7,884	7,426	9,057
Kinlichee	1,404	1,430	1,456	1,482	1,509	1,536	1,564	1,592	1,621	1,752	1,650	2,014
Klagetoh	1,037	1,056	1,075	1,095	1,115	1,135	1,156	1,177	1,198	1,295	1,220	1,488
Lake Valley	442	450	458	467	475	484	493	502	511	552	520	635
Lechee	1,890	1,924	1,959	1,995	2,031	2,068	2,106	2,144	2,183	2,360	2,223	2,711
Leupp	1,605	1,634	1,664	1,694	1,725	1,756	1,788	1,820	1,853	2,003	1,887	2,302
Little Water	571	581	592	603	614	625	636	648	660	713	672	819
Low Mountain	923	940	957	974	992	1,010	1,028	1,047	1,066	1,152	1,085	1,323



Table 3: Population Projection of the Navajo Nation till 2020

Chapters	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2020
Lower Greasewood	1,408	1,434	1,460	1,486	1,513	1,540	1,568	1,596	1,625	1,757	1,655	2,019
Lukachukai	2,012	2,049	2,086	2,124	2,163	2,202	2,242	2,283	2,325	2,513	2,367	2,886
Lupton	1,000	1,018	1,037	1,056	1,075	1,095	1,115	1,135	1,156	1,250	1,177	1,435
Manuelito	358	365	371	378	385	392	399	406	413	446	421	514
Many Farms	2,773	2,823	2,875	2,927	2,980	3,034	3,089	3,145	3,202	3,461	3,261	3,977
Mariano Lake	870	886	902	918	935	952	969	987	1,005	1,086	1,023	1,247
Mexican Springs	1,318	1,342	1,366	1,391	1,416	1,442	1,468	1,495	1,522	1,645	1,550	1,890
Mexican Water	815	830	845	860	876	892	908	925	942	1,018	959	1,168
Nageezi	1,003	1,021	1,040	1,059	1,078	1,098	1,118	1,138	1,159	1,253	1,180	1,439
Nahata Dził	1,452	1,478	1,505	1,533	1,561	1,589	1,618	1,647	1,677	1,813	1,707	2,083
Nahodishgish	404	411	419	426	434	442	450	458	466	504	475	579
Naschitti	1,695	1,726	1,757	1,789	1,822	1,855	1,889	1,923	1,958	2,117	1,994	2,431
Navajo Mountain	632	644	655	667	679	691	704	716	729	788	742	906
Nazlini	1,151	1,172	1,193	1,215	1,237	1,260	1,283	1,306	1,330	1,438	1,354	1,651
Nenahnezad	1,695	1,726	1,757	1,789	1,822	1,855	1,889	1,923	1,958	2,117	1,994	2,431
Newcomb3	0	0	0	0	0	0	0	0	0	0	0	0
Oak Springs	613	624	636	647	659	671	683	696	709	766	722	879
Ojo Encino	709	722	735	748	762	775	789	803	818	884	832	1,016
Oljato	2,292	2,334	2,376	2,419	2,463	2,508	2,554	2,600	2,647	2,861	2,695	3,287
Pinedale	1,129	1,150	1,170	1,192	1,214	1,236	1,258	1,281	1,304	1,410	1,328	1,620
Pinon	3,066	3,122	3,179	3,236	3,295	3,355	3,416	3,478	3,541	3,828	3,606	4,397
Pueblo Pintado	464	472	481	490	499	508	517	527	537	580	546	666
Ramah	1,676	1,707	1,738	1,769	1,801	1,834	1,867	1,901	1,936	2,093	1,971	2,404
Red Lake	2,412	2,456	2,501	2,546	2,592	2,639	2,687	2,736	2,786	3,012	2,836	3,459
Red Mesa	1,138	1,159	1,180	1,201	1,223	1,245	1,268	1,291	1,314	1,420	1,338	1,632
Red Rock	2,030	2,067	2,105	2,143	2,182	2,221	2,261	2,302	2,344	2,534	2,387	2,912
Red Valley	1,742	1,774	1,806	1,839	1,872	1,906	1,941	1,976	2,012	2,175	2,049	2,499
Rock Point	1,367	1,392	1,417	1,443	1,469	1,496	1,523	1,551	1,579	1,707	1,608	1,961
Rock Springs	992	1,010	1,028	1,047	1,066	1,085	1,105	1,125	1,145	1,238	1,166	1,423
Rough Rock	919	936	953	970	988	1,006	1,024	1,043	1,062	1,148	1,081	1,318
Round Rock	1,292	1,316	1,339	1,364	1,389	1,414	1,440	1,466	1,493	1,614	1,520	1,853
Saint Michaels	6,147	6,259	6,373	6,489	6,607	6,727	6,849	6,973	7,100	7,675	7,229	8,817
San Juan4	19	19	20	20	20	21	21	22	22	24	23	27
Sanostee	1,908	1,943	1,978	2,014	2,051	2,088	2,126	2,164	2,203	2,381	2,243	2,736
Sawmill	914	931	948	965	983	1,000	1,018	1,037	1,056	1,142	1,075	1,311
Sheep Springs	821	836	851	867	883	899	915	932	949	1,026	966	1,178
Shiprock	9,279	9,448	9,620	9,795	9,973	10,154	10,338	10,526	10,718	11,586	10,913	13,308
Shonto	2,419	2,463	2,508	2,553	2,599	2,647	2,695	2,744	2,794	3,020	2,845	3,469
Smith Lake	1,067	1,086	1,106	1,126	1,146	1,167	1,188	1,210	1,232	1,332	1,254	1,530
Standing Rock	680	692	705	718	731	744	758	771	785	849	799	976
Steamboat	1,668	1,698	1,729	1,761	1,793	1,826	1,859	1,893	1,927	2,083	1,963	2,393
Sweetwater	1,413	1,439	1,465	1,492	1,519	1,547	1,575	1,604	1,633	1,765	1,663	2,027
Tachee/Blue Gap	1,443	1,469	1,496	1,523	1,551	1,579	1,608	1,637	1,667	1,802	1,697	2,069
Teecnospos	1,323	1,347	1,372	1,397	1,422	1,448	1,474	1,501	1,528	1,652	1,556	1,898
Teestoh	934	951	968	986	1,004	1,022	1,041	1,059	1,078	1,165	1,098	1,340
Thoreau	1,450	1,476	1,503	1,531	1,559	1,587	1,616	1,645	1,675	1,811	1,705	2,080
Tohatchi	2,076	2,114	2,152	2,191	2,231	2,271	2,312	2,354	2,397	2,591	2,440	2,977
Tolani Lake	755	769	783	797	812	826	841	856	872	943	887	1,083



Table 3: Population Projection of the Navajo Nation till 2020

Chapters	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2020
Tonalea	2,537	2,583	2,630	2,678	2,727	2,776	2,826	2,878	2,930	3,167	2,984	3,639
Torreon/Star Lake	1,818	1,851	1,885	1,919	1,954	1,989	2,025	2,062	2,100	2,270	2,138	2,607
Tsaile/Wheatfields	2,044	2,081	2,119	2,158	2,197	2,237	2,278	2,319	2,361	2,552	2,404	2,932
Tsayatoh	747	761	774	789	803	818	833	848	863	933	879	1,072
Tselani	1,351	1,376	1,401	1,426	1,452	1,478	1,505	1,532	1,560	1,686	1,588	1,937
Tuba City	8,736	8,895	9,057	9,222	9,390	9,560	9,734	9,910	10,090	10,907	10,274	12,530
Twin Lakes	2,251	2,292	2,334	2,376	2,419	2,463	2,508	2,553	2,599	2,810	2,647	3,228
Two Grey Hills	1,838	1,871	1,906	1,940	1,975	2,011	2,048	2,085	2,123	2,295	2,162	2,636
Whippoorwill	1,457	1,484	1,511	1,538	1,566	1,594	1,623	1,652	1,682	1,818	1,713	2,090
White Cone	1,383	1,408	1,434	1,460	1,487	1,513	1,540	1,568	1,597	1,726	1,626	1,984
White Horse Lake	547	557	567	577	588	598	609	620	631	682	643	784
White Rock	60	61	62	63	64	65	66	67	68	74	69	86
Wide Ruins	1,225	1,247	1,270	1,293	1,317	1,340	1,364	1,389	1,414	1,529	1,440	1,757
Total	180,462	183,749	187,093	190,494	193,961	197,472	201,060	204,698	208,423	225,305	212,216	258,822

Notes:

1. Cove is combined with Red Valley.
2. Cudeii is combined with Shiprock.
3. Newcomb is combined with Two Greyhills.
4. Most of the data on San Juan is included in Nenahnezad.

Source: For 2000 - Census 2000. For Subsequent Years - Extrapolation by Trib Choudhary, Support Services Department, Division of Economic Development



Table 4: Navajo Population Growth Rate

YEAR	POPULATION	t=	P1/P0	Annual Growth Rate*
1868	9,000			
1878	11,850	10	1.317	2.75
1888	18,000	10	1.519	4.18
1898	20,500	10	1.139	1.30
1908	29,032	10	1.416	3.48
1918	31,250	10	1.076	0.74
1928	34,892	10	1.117	1.10
1930	41,786	2	1.198	9.02
1935	44,025	5	1.054	1.04
1940	48,722	5	1.107	2.03
1945	61,000	5	1.252	4.49
1950	69,167	5	1.134	2.51
1960	79,587	10	1.151	1.40
1970	95,104	10	1.195	1.78
1980	129,553	10	1.362	3.09
1990	146,001	10	1.127	1.20
2000	175,228	10	1.200	1.82

1868	9,000			
2000	175,228	132	19.470	2.25

USA**

1980	226.5			
1990	248.7	10	0.1	0.94
2000	281.4	10	0.1	1.24

*Annual Growth Rate "r" has been computed by using the Formula: $r = \ln(p1/p0)/t$, which has been derived from the Standard Growth Rate Formula: $P1 = P0e^{rt}$

or, $p0e^{rt} = p1$

$\ln e^{rt} = \ln(p1/p0)$, or $rt \ln e =$

or, $e^{rt} = p1/p0$, or $\ln(p1/p0)$,

or $rt = \ln(p1/p0)$, since $\ln e = 1$. **Thus, $r = \ln(p1/p0)/t$**

Where,

P0 = Population in the Base Year

P1 = Population in Current Year

r = Growth Rate

t = Number of Years in between.

** Population figures for the USA are in millions

Source: The Navajo Nation figures for 1868 thru 1980 have been taken from The Navajo Nation Fax 1988. Figures for 1990 and 2000 have been taken from the Census Reports.

The Navajo Nation figures for 1980, 1990 and 2000 do not include non-Indians. Total reservation population including non-Indians was 138,690 in 1980; 151,105 in 1990; and 180,462 in 2000.



Table 5: Population of the United States by Race

State	Total Population	White	Black	American Indians*	Asian	NHPI	Some Other Race	Median Age
<i>Alabama</i>	4,627,851	3,254,107	1,212,118	20,690	44,561	1,518	34,689	37.3
<i>Alaska</i>	683,478	465,234	25,821	92,058	32,936	4,978	15,531	33.3
<i>Arizona</i>	6,338,755	4,841,990	224,991	281,096	151,414	7,701	677,188	34.9
<i>Arkansas</i>	2,834,797	2,226,758	442,279	17,425	33,933	2,274	63,856	37
<i>California</i>	36,553,215	22,026,736	2,263,363	266,051	4,511,407	126,345	6,096,927	34.7
<i>Colorado</i>	4,861,515	4,061,059	189,217	46,172	131,699	3,704	302,807	35.7
<i>Connecticut</i>	3,502,309	2,786,401	328,401	8,211	118,216	895	189,379	39.1
<i>Delaware</i>	864,764	625,354	175,682	2,223	25,372	532	18,623	37.8
<i>District of Col.</i>	588,292	210,332	321,646	1,172	18,066	0	27,591	34.9
<i>Florida</i>	18,251,243	13,921,401	2,800,374	53,978	409,144	10,022	740,050	40
<i>Georgia</i>	9,544,750	5,918,880	2,855,189	22,350	265,188	4,824	359,719	34.8
<i>Hawaii</i>	1,283,388	341,779	27,836	3,359	498,468	108,583	17,034	38.1
<i>Idaho</i>	1,499,402	1,386,347	9,011	19,347	16,810	2,149	33,071	34.3
<i>Illinois</i>	12,852,548	9,057,076	1,884,069	21,705	551,835	6,074	1,132,783	35.9
<i>Indiana</i>	6,345,289	5,436,898	551,215	13,410	83,200	969	152,795	36.5
<i>Iowa</i>	2,988,047	2,766,081	70,018	9,111	47,849	1,395	52,435	38
<i>Kansas</i>	2,775,997	2,374,824	159,268	23,615	59,948	1,036	84,581	36.3
<i>Kentucky</i>	4,241,474	3,781,361	322,149	6,974	39,749	1,813	34,108	37.4
<i>Louisiana</i>	4,293,204	2,756,277	1,357,893	21,683	59,825	1,803	40,811	35.7
<i>Maine</i>	1,317,207	1,254,460	14,652	7,557	12,718	296	3,838	41.7
<i>Maryland</i>	5,618,344	3,402,960	1,626,017	13,038	275,002	3,020	182,967	37.4
<i>Massachusetts</i>	6,449,755	5,330,421	384,615	11,347	310,654	1,966	290,054	38.5
<i>Michigan</i>	10,071,822	8,001,673	1,416,635	52,228	240,214	2,368	167,762	37.6
<i>Minnesota</i>	5,197,621	4,570,486	225,798	51,764	180,700	1,396	71,518	37.1
<i>Mississippi</i>	2,918,785	1,745,130	1,095,051	10,984	20,207	1,777	19,149	35.4
<i>Missouri</i>	5,878,415	4,930,507	664,022	22,514	81,621	7,669	61,151	37.5
<i>Montana</i>	957,861	858,205	5,961	59,136	5,040	774	5,517	39.1
<i>Nebraska</i>	1,774,571	1,582,113	70,333	11,848	25,731	2,945	46,045	36.1
<i>Nevada</i>	2,565,382	1,897,158	190,238	32,137	155,603	13,691	200,328	35.7
<i>New Hampshire</i>	1,315,828	1,247,023	12,546	2,727	26,790	269	10,142	39.8

**Table 5: Population of the United States by Race**

New Jersey	8,685,920	6,037,580	1,185,829	18,022	648,484	1,677	652,830	38.4
New Mexico	1,969,915	1,360,378	44,646	177,515	27,006	884	306,480	36
New York	19,297,729	12,742,889	3,010,970	63,864	1,328,767	8,375	1,778,293	37.7
North Carolina	9,061,032	6,340,312	1,928,080	101,359	163,503	4,172	381,740	36.8
North Dakota	639,715	580,333	5,301	32,941	6,708	744	2,788	37.1
Ohio	11,466,917	9,629,758	1,344,674	20,414	177,947	3,704	103,010	37.8
Oklahoma	3,617,316	2,710,090	270,332	245,716	57,885	2,694	104,040	36.1
Oregon	3,747,455	3,216,232	62,852	71,334	134,150	7,436	131,493	37.9
Pennsylvania	12,432,792	10,408,647	1,289,389	16,889	294,314	2,636	252,574	39.7
Rhode Island	1,057,832	875,512	59,107	3,006	29,635	58	68,106	38.3
South Carolina	4,407,709	2,968,269	1,253,575	13,342	54,720	1,956	62,461	37.4
South Dakota	796,215	695,699	8,679	64,812	6,665	331	5,482	37.1
Tennessee	6,156,719	4,868,752	1,029,129	12,294	79,214	3,876	84,395	37.5
Texas	23,904,380	16,804,155	2,757,554	111,209	806,844	17,053	2,964,688	33.2
Utah	2,645,330	2,381,687	25,465	31,091	52,107	21,241	81,216	28.4
Vermont	621,254	597,245	3,873	1,793	6,951	78	1,319	40.6
Virginia	7,712,091	5,429,003	1,509,278	22,825	373,305	5,184	218,333	37
Washington	6,468,424	5,219,137	217,876	89,058	429,406	27,564	251,023	37.1
West Virginia	1,812,035	1,710,622	62,397	2,694	10,126	0	5,607	40.4
Wisconsin	5,601,640	4,891,076	335,859	46,159	108,711	2,173	140,771	38
Wyoming	522,830	479,076	3,297	13,100	2,939	53	9,686	36.9
Puerto Rico	3,942,375	3,004,147	273,785	8,693	9,922	342	473,732	35.4
Total	305,563,534	226,009,630	37,608,355	2,374,040	13,243,209	435,017	19,212,516	36.7

Median Age**	36.7	39.2	31.6	32.1	35.7	29.9	27.6	36.7
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*Total population of the AIAN in combination with other races is 4429514

**Median Age on the Navajo Nation is 29.5

Source: American Community Survey 2007.



Table 6: The Presidents of the Navajo Nation

Dates	Chairman	Vice-Chairman
1922-28	Chee Dodge	
1928-32	Deshna Clah Chischilly	Maxwell Yazzie
1932-36	Thomas Dodge	Marcus Kahuno
1937-38	Henry Taliman, Sr.	Roy Kinsel
1938-42	Jacob C. Morgan	Howard Gorman
1942-46	Chee Dodge	Sam Ahkeah
1946-50	Sam Ahkeah	Chee Dodge/Zhealy Tso ¹
1951-54	Sam Ahkeah	John Claw/Adolph Maloney ²
1955-59	Paul Jones	Scott Peterson
1960-63	Paul Jones	Scott Peterson
1963-66	Raymond Nakai	Nelson Damon
1967-70	Raymond Nakai	Nelson Damon
1971-74	Peter MacDonald	Wilson Skeet
1974-78	Peter MacDonald	Wilson Skeet
1978-82	Peter MacDonald	Frank E. Paul
1983-87	Peterson Zah	Edward T. Begay
1987-88	Peter MacDonald ³	Johnny R. Thompson
1989-89	Marshall Plummer*	
1989-91	Leonard Haskie**	Irving Billy
1991-94	Peterson Zah ⁴	Marshall Plummner ⁴
1994-98	Albert A. Hale ⁵	Thomas E. Atcitty
1998-98	Thomas E. Atcitty ⁶	Milton Bluehouse ⁷
1998-99	Milton Bluehouse ⁸	Frank Chee Willeto
1999-03	Kelsey A. Begay	Taylor McKenzie, MD
2003-2006	Joe Shirley, Jr.	Frank Dayish, Jr.
2007-Present	Joe Shirley, Jr.	Ben Shelly

1. Chee Dodge was elected by popular vote but died before taking office. As a result, Zhealy Tso was elected by the Navajo Tribal Council to serve the unexpired term.
2. John Claw resigned from office. As a result Adolph Maloney was elected by the Navajo Tribal Council to serve the unexpired term.
3. Both Chairman and Vice-Chairman were placed on administrative leave to clear allegations by the US Senate Select Committee. The Navajo Tribal Council by resolution appointed an Interim Chairman and Interim Vice Chairman.
4. The first elected President and Vice-president of the Navajo Nation. They were elected in November 1990 and inaugurated on January 15, 1991.
5. On February 19, 1998, Albert A. Hale resigned due to allegations of wrongdoing and Thomas E. Atcitty became President.
6. On July 24, 1998, Thomas E. Atcitty was forced to step down because of allegations of wrong-doing.
7. On March 4, 1998, Milton Bluehouse was appointed Vice-President.
8. On July 24, 1998, Milton Bluehouse assumed the duty of the President

*Marshall Plummer was President of the Navajo Nation for only 22 days from February 17 to March 10, 1989.

**Leonard Haskie served both as the Chairman of the Navajo Nation Council and as the President.

Mrs. Grace Davis became the first woman to become the Navajo Tribal Council member after the death of her husband Roger Davis, Sr., and served out the remaining two years.

Ms. Anne D. Wauneka is the first woman to be elected as the Navajo Nation Council Delegate.

Source: Office of Navajo Government Development, Navajo Nation.



Table 7: 2006 President Elections by Chapters

CHAPTER	Population* 2005	Rgstrd Voters**	Joe Shirley, Jr & Bennie Shelly	Lynda Lovejoy & Walter Phelps
Alamo	2,267	921	370	30
Aneth	2,501	1,098	448	336
Baca	972	965	424	312
Becenti	554	469	104	251
Beclabeto	897	481	178	190
Birdsprings	907	571	185	197
Black Mesa	435	417	165	117
Bodaway/Gap	2,010	893	295	311
Bread Springs	1,113	624	322	222
Burnham	262	398	92	232
Cameron	1,347	686	234	254
Canoncito	1,805	745	216	339
Casamero Lake	601	387	139	166
Chichiltah	1,851	985	449	306
Chilchinbeto	1,450	591	301	154
Chinle	9,582	2,472	1,164	510
Church Rock	3,066	1,254	493	523
Coalmine Mesa	409	655	225	179
Coppermine	736	575	194	183
Cornfields	908	637	271	191
Counselor	1,114	483	89	222
Cove ¹	0	468	176	180
Coyote Canyon	1,047	815	337	317
Crownpoint	3,180	991	257	448
Crystal	851	654	191	299
Cudeii ²	0	575	191	167
Dennehotso	1,779	797	397	181
Dilkon	2,414	916	400	231
Forest Lake	627	414	145	154
Fort Defiance	6,296	2,330	707	800
Fruitland, Upper	3,165	955	296	455
Ganado	3,315	904	342	320
Hard Rock	1,375	604	223	193
Hogback	1,517	854	301	313
Houck	1,673	985	338	336
Huerfano	2,590	1,251	383	539
Indian Wells	1,062	577	230	184
Inscription House	1,328	682	228	191
Iyanbito	1,131	591	191	256
Jeddito	1,421	634	331	114

**Table 7: 2006 President Elections by Chapters**

(Continue)

Kaibeto	2,156	948	269	334
Kayenta	6,910	1,540	514	484
Kinlichee	1,536	1,113	538	268
Klagetoh	1,135	663	266	211
Lake Valley	484	319	97	111
Lechee	2,068	689	205	240
Leupp	1,756	837	226	462
Little Water	625	573	169	255
Low Mountain	1,010	641	304	147
Lower Greasewood	1,540	764	338	251
Lukachukai	2,202	902	426	235
Lupton	1,095	529	190	182
Manuelito	392	552	211	254
Many Farms	3,034	1,104	568	237
Mariano Lake	952	636	281	217
Mexican Springs	1,442	661	279	276
Mexican Water	892	577	232	149
Nageezi	1,098	932	256	309
Nahata Dziil	1,589	784	282	175
Nahodishgish	442	327	102	160
Naschitti	1,855	1,092	423	398
Navajo Mountain	691	513	156	172
Nazlini	1,260	707	380	160
Nenahnezad	1,855	843	225	361
Newcomb3	0	474	171	198
Oak/Pine Springs	671	533	227	137
Ojo Encino	775	607	162	240
Oljato	2,508	1,188	481	298
Pinedale	1,236	834	306	265
Pinon	3,355	1,259	578	281
Pueblo Pintado	508	436	171	138
Ramah	1,834	952	227	438
Red Lake	2,639	405	153	153
Red Mesa	1,245	839	403	217
Red Rock	2,221	1,024	406	433
Red Valley	1,906	931	388	375
Rock Point	1,496	832	373	175
Rock Springs	1,085	846	278	401
Rough Rock	1,006	527	262	127
Round Rock	1,414	636	306	182

**Table 7: 2006 President Elections by Chapters**

(Continue)

Saint Michaels	6,727	1,561	537	574
San Juan ⁴	21	309	117	104
Sanostee	2,088	1,318	611	362
Sawmill	1,000	720	350	208
Sheep Springs	899	524	191	168
Shiprock	10,154	3,572	997	1,382
Shonto	2,647	1,067	428	315
Smith Lake	1,167	528	216	180
Standing Rock	744	529	175	237
Steamboat	1,826	941	479	213
Sweetwater	1,547	708	337	217
Tachee/Blue Gap	1,579	606	301	151
Teec Nos Pos	1,448	900	326	326
Teestoh	1,022	691	320	167
Thoreau	1,587	795	366	272
Tohatchi	2,271	1,045	422	426
Tolani Lake	826	487	182	203
Tonalea	2,776	1,037	455	263
Torreon/Star Lake	1,989	992	336	384
Tsaile/Wheatfields	2,237	1,046	500	301
Tsayatoh	818	654	281	231
Tselani/Cottonwood	1,478	1,031	434	257
Tuba City	9,560	2,390	661	832
Twin Lakes	2,463	1,092	534	351
Two Grey Hills	2,011	763	268	255
Whippoorwill	1,594	682	276	188
White Cone	1,513	721	298	208
White Horse Lake	598	479	169	175
White Rock	65	252	84	97
Wide Ruins	1,340	708	311	158
Total	197,471	91,021	34,813	30,214

- Notes:
1. Population figure for Cove is combined with Red Valley.
 2. Population figure for Cudeii is combined with Shiprock.
 3. Population figure for Newcomb is combined with Two Greyhills.
 4. Most of the population data on San Juan is included in Nenahnezad.

* Population figures have been extrapolated by Trib Choudhary based upon the 2000 Census data.

** Updated on August 22, 2005

Source: For Registered Voters - The Navajo Nation Office of the Election Administration.
For Election Results - The Navajo Times. November 09, 2006.

**TABLE 8: 21st Navajo Nation Council, Standing Committees**

2007-2010

Updated June 9, 2008

Budget and Finance Committee

LoRenzo C. Bates	Chairperson	At-Large
Leonard Chee	Vice Chairperson	Western Agency
Nelson Begay	Member	Chinle Agency
Hoskie, Kee	Member	Eastern Agency
Ralph Bennett	Member	Fort Defiance Agency
Pete Ken Atcitty	Member	Northern Agency
Jonathan Nez	Member	At-Large
Lorenzo Curley	Member	At-Large

Economic Development Committee

Lawrence R. Platero	Chairperson	Eastern Navajo Agency
Katherine Benally	Vice Chairperson	At-Large
Tom LaPahe	Member	Chinle Agency
Mel R. Begay	Member	Fort Defiance Agency
Kenneth Maryboy	Member	Northern Agency
Tommy M. Tsosie	Member	Western Agency
GloJean Todacheene	Member	At-Large
Roy Dempsey	Member	At-Large

Education Committee

Andy R. Ayze	Chairperson	Chinle Agency
Raymond Maxx	Vice Chairperson	Western Agency
Ida M. Nelson	Member	Eastern Agency
Elmer L. Milford	Member	Fort Defiance Agency
David L. Tom	Member	Northern Agency
Bobby Robbins	Member	At-Large
Willie Tracey, Jr.	Member	At-Large
Leonard Anthony	Member	At-Large

Ethics and Rules Committee

Francis Redhouse	Chairperson	Northern Agency
Roscoe D. Smith	Vice Chairperson	Fort Defiance Agency
Preston McCabe, Sr.	Member	Chinle Agency
Joe M. Lee	Member	Eastern Agency
Jack Colorado	Member	Western Agency
Tim Goodluck	Member	At-Large
Harry Willeto	Member	At-Large
Herman Daniels, Sr.	Member	At-Large

**Government Services Committee**

Ervin M. Keeswood, Sr.	Chairperson	Northern Agency
Leonard Teller	Vice Chairperson	Chinle Agency
Charles S. Damon	Member	Eastern Agency
Orlanda Smith-Hodge	Member	Fort Defiance Agency
Roy Laughter	Member	Western Agency
Danny Simpson	Member	At-Large
Amos F. Johnson	Member	At-Large
Lee Jack, Sr.	Member	At-Large

Health and Social Services Committee

Thomas Walker, Jr.	Chairperson	At-Large
Alice W. Benally	Vice Chairperson	At-Large
Harry Claw	Member	Chinle Agency
Harry Hubbard	Member	Eastern Agency
Jerry Freddie	Member	Fort Defiance Agency
Davis Filfred	Member	Northern Agency
Evelyn Acothley	Member	Western Agency
Herman R. Morris	Member	At-Large

Human Services Committee

Larry Noble	Chairperson	Fort Defiance Agency
Young Jeff Tom	Vice Chairperson	Eastern Agency
Elbert Wheeler	Member	Chinle Agency
Woody Lee	Member	Northern Agency
David Shondee	Member	Western Agency
George Apachito	Member	At-Large
Larry Anderson, Sr.	Member	At-Large
Preston B. Yazzie	Member	At-Large

Judiciary Committee

Kee Allen Begay, Jr.	Chairperson	At-Large
Edward V. Jim, Sr.	Vice Chairperson	Northern Agency
Nelson Gorman, Jr.	Member	Chinle Agency
Ernest D. Yazzie	Member	Eastern Agency
Raymond Berchman	Member	Fort Defiance Agency
Lena Manheimer	Member	Western Agency
Leonard Tsosie	Member	At-Large
Harold Wauneka	Member	At-Large



Public Safety Committee

Rex Lee Jim	Chairperson	Northern Agency
Benjamin Curley	Vice-Chairperson	Fort Defiance Agency
Hope MacDonald-Lonetree	Member	At-Large
Edmund Yazzie	Member	Eastern Agency
Raymond Joe	Member	Chinle Agency
Kee Yazzie Mann	Member	Western Agency
Elmer P. Begay	Member	At-Large

Resources Committee

George Arthur	Chairperson	Northern Agency
Curran Hannon	Vice Chairperson	At-Large
Harry H. Clark	Member	Chinle Agency
Harriett Becenti	Member	Eastern Agency
Norman John II	Member	Fort Defiance Agency
Harry Williams, Sr.	Member	Western Agency
Cecil Eriacho	Member	At-Large
Phillip Harrison	Member	At-Large

Transportation and Community Development Committee

Sampson Begay	Chairperson	At-Large
Johnny Naize	Vice Chairperson	At-Large
Lorenzo Bedonie	Member	Chinle Agency
David B. Rico	Member	Eastern Agency
Omar Begay, Jr.	Member	Fort Defiance Agency
Jerry Bodie	Member	Northern Agency
Leslie Dele	Member	Western Agency
Willie Begay	Member	At-Large

Source: Office of Legislative Services



Table 9A: Summary of the Executive General Fund Budget
Fiscal Year 2002 – 2009

DESCRIPTION		2002	2003	2004	2005	2006	2007	2008	2009	% increase 2000-09
1.	Executive Offices	\$ 4,219,132	\$ 3,872,789	\$ 4,888,543	\$ 5,023,171	\$ 5,013,284	5,274,795	\$ 5,975,560	\$ 7,050,908	67.12
2.	Department of Justice	\$ 4,161,183	\$ 3,770,405	\$ 4,168,308	\$ 3,887,006	\$ 3,727,175	3,930,011	\$ 4,278,025	\$ 5,683,525	36.58
3.	Gaming Regulatory				\$ 250,000	\$ 643,683	644,938	\$ 1,071,765	\$ 1,056,363	NA
4.	Office of Management and Budget	\$ 874,099	\$ 910,567	\$ 1,102,939	\$ 1,051,946	\$ 933,094	1,031,520	\$ 1,215,010	\$ 1,324,213	51.49
5.	Office of Navajo Tax Commission	\$ 1,277,443	\$ 1,395,709	\$ 1,400,665	\$ 1,383,422	\$ 1,359,092	1,401,460	\$ 1,450,201	\$ 1,427,307	11.73
6.	Office of the Controller	\$ 3,082,252	\$ 3,137,387	\$ 3,672,836	\$ 3,892,400	\$ 3,588,307	3,653,872	\$ 3,922,383	\$ 3,901,518	26.58
7.	Division of General Services	\$ 3,793,197	\$ 3,713,552	\$ 4,590,752	\$ 4,472,151	\$ 4,229,380	18,486,131	\$ 5,443,597	\$ 6,544,836	72.54
8.	Division of Economic Development	\$ 4,574,294	\$ 4,390,250	\$ 4,545,016	\$ 4,553,656	\$ 4,409,412	9,809,103	\$ 5,223,259	\$ 5,529,811	20.89
9.	Division of Community Development	\$ 22,629,061	\$ 17,775,781	\$ 18,405,183	\$ 18,715,977	\$ 20,254,697	4,489,165	\$ 21,341,061	\$ 20,173,428	(10.85)
10.	Division of Human Resources	\$ 4,409,065	\$ 4,267,990	\$ 4,553,379	\$ 4,821,206	\$ 4,752,217	1,675,200	\$ 5,479,167	\$ 5,956,528	35.10
11.	Division of Dine Education	\$ 7,034,490	\$ 6,108,981	\$ 7,532,059	\$ 7,942,683	\$ 9,618,941	4,747,072	\$ 10,436,339	\$ 10,863,539	54.43
12.	Division of Natural Resources	\$ 16,272,698	\$ 15,619,256	\$ 14,950,152	\$ 15,139,853	\$ 14,853,001	12,336,777	\$ 17,615,228	\$ 18,279,189	12.33
13.	Environmental Protection Agency	\$ 1,361,960	\$ 1,444,212	\$ 1,471,317	\$ 1,492,139	\$ 1,461,134	4,928,266	\$ 1,760,053	\$ 1,902,976	39.72
14.	Division of Public Safety	\$ 7,373,007	\$ 5,618,444	\$ 6,641,694	\$ 6,750,558	\$ 6,787,361	15,326,822	\$ 7,871,954	\$ 8,268,772	12.15
15.	Division of Health	\$ 10,310,336	\$ 11,189,956	\$ 9,622,799	\$ 11,391,038	\$ 11,260,600	7,154,292	\$ 12,721,429	\$ 12,833,221	24.47
16.	Division of Social Services	\$ 3,330,528	\$ 3,232,192	\$ 3,318,584	\$ 3,273,852	\$ 3,184,368	3,291,590	\$ 3,921,680	\$ 4,067,359	22.12
17.	Fixed Costs	\$ 8,955,216	\$ 10,207,552	\$ 9,305,482	\$ 8,646,651	\$ 9,094,060				
18.	Fixed Cost Credit									
19.	Navajo Nation Grants	\$ 5,064,230	\$ 2,784,992	\$ 1,770,142	\$ 1,515,142	\$ 5,855,000	5,700,000	\$ 6,000,000	\$ 5,775,000	14.04
Executive Branch Total		\$ 108,722,191	\$ 99,440,015	\$ 101,939,850	\$ 104,202,851	\$ 111,024,806	\$ 103,881,014	\$ 115,726,711	\$ 120,638,493	10.96
Legislative Branch Total		\$ 11,094,563	\$ 11,197,163	\$ 11,613,785	\$ 12,192,822	\$ 12,466,538	\$ 11,901,361	\$ 15,245,322	\$ 16,377,440	47.62
Judicial Branch Total		\$ 6,388,037	\$ 6,592,205	\$ 7,150,067	\$ 7,424,465	\$ 7,459,145	\$ 9,770,732	\$ 13,554,054	\$ 13,442,652	110.43
Grand Total		\$ 126,204,791	\$ 117,229,383	\$ 120,703,702	\$ 123,820,138	\$ 130,950,489	\$ 125,553,107	\$ 144,526,087	\$ 150,458,585	19.22

Source: Office of the Controller. Division of Finance. The Navajo Nation.



TABLE 9B: Summary of the Executive Branch Total Budget
Fiscal Year 2002 – 2009

DESCRIPTION		2002	2003	2004	2005	2006	2007	2008	2009	% Increase 2002-09
1.	Executive Offices	\$ 4,602,405	\$ 4,256,062	\$ 5,452,092	\$ 5,708,412	\$ 5,740,095	6,462,227	7,138,725	\$ 7,050,908	53.20
2.	Department of Justice	\$ 5,754,690	\$ 5,069,141	\$ 5,244,154	\$ 5,023,480	\$ 4,956,332	5,429,044	5,663,435	\$ 7,493,207	30.21
3.	Gaming Regulatory				\$ 250,000	\$ 643,683	644,938	1,071,765	\$ 1,056,363	#DIV/0!
4.	Office of Management and Budget	\$ 1,445,644	\$ 1,482,112	\$ 1,532,164	\$ 1,547,251	\$ 1,486,670	1,787,879	3,011,759	\$ 2,030,425	40.45
5.	Office of Navajo Tax Commission	\$ 1,280,927	\$ 1,399,193	\$ 1,400,665	\$ 1,383,422	\$ 1,359,092	1,412,968	1,450,201	\$ 1,427,307	11.43
6.	Office of the Controller	\$ 9,308,988	\$ 9,034,182	\$ 8,653,967	\$ 9,547,955	\$ 10,022,040	11,840,434	15,135,541	\$ 21,619,155	132.24
7.	Division of General Services	\$ 39,877,591	\$ 42,207,998	\$ 43,153,339	\$ 48,299,493	\$ 49,619,924	54,752,572	55,651,801	\$ 56,978,802	42.88
8.	Division of Economic Development	\$ 6,901,719	\$ 6,692,675	\$ 7,089,978	\$ 5,644,026	\$ 5,539,826	5,609,675	6,594,269	\$ 6,384,811	(7.49)
9.	Division of Community Development	\$ 60,141,329	\$ 40,634,188	\$ 50,522,942	\$ 43,057,051	\$ 44,210,924	42,930,073	\$ 48,774,392	\$ 44,974,810	(25.22)
10.	Division of Human Resources	\$ 27,462,138	\$ 48,325,755	\$ 58,956,633	\$ 44,465,167	\$ 43,463,254	44,824,458	\$ 41,744,724	\$ 37,677,533	37.20
11.	Division of Dine Education	\$ 59,886,569	\$ 56,553,493	\$ 95,018,957	\$ 71,312,269	\$ 95,377,180	76,101,354	\$ 78,176,923	\$ 76,126,411	27.12
12.	Division of Natural Resources	\$ 30,612,113	\$ 26,164,004	\$ 25,923,530	\$ 32,865,817	\$ 37,562,527	36,970,017	\$ 41,155,319	\$ 45,696,120	49.27
13.	Environmental Protection Agency	\$ 5,657,534	\$ 7,174,236	\$ 8,044,171	\$ 6,654,896	\$ 7,192,708	8,618,578	\$ 7,839,932	\$ 8,968,058	58.52
14.	Division of Public Safety	\$ 35,951,952	\$ 30,088,351	\$ 32,345,152	\$ 45,439,478	\$ 44,845,633	34,999,562	\$ 43,232,124	\$ 55,847,228	55.34
15.	Division of Health	\$ 60,040,688	\$ 18,336,996	\$ 63,260,259	\$ 70,351,008	\$ 63,303,231	21,978,839	\$ 29,926,125	\$ 46,886,519	(21.91)
16.	Division of Social Services	\$ 84,665,798	\$ 88,717,027	\$ 86,614,854	\$ 100,397,856	\$ 88,351,023	87,888,058	\$ 98,937,997	\$ 94,525,488	11.65
17.	Fixed Costs	\$ 11,810,862	\$ 13,063,198	\$ 12,214,830	\$ 11,810,654	\$ 12,630,300				
18.	Fixed Cost Credit					\$ -				
19.	Navajo Nation Grants	\$ 5,289,530	\$ 5,950,742	\$ 1,935,152	\$ 1,823,460	\$ 6,017,867	\$ 5,863,246	\$ 6,163,880	\$ 5,939,558	12.29
Executive Branch Total:		\$ 450,690,477	\$ 405,149,353	\$ 507,362,839	\$ 505,581,695	\$ 522,322,309	\$ 448,113,922	\$ 491,668,912	\$ 520,682,703	15.53
Legislative Branch Total:		\$ 11,320,969	\$ 12,626,138	\$ 13,857,543	\$ 14,455,953	\$ 15,262,308	\$ 14,230,112	\$ 17,590,120	\$ 16,424,427	45.08
Judicial Branch Total:		\$ 7,829,716	\$ 7,647,175	\$ 8,249,500	\$ 8,532,579	\$ 8,572,220	\$ 10,878,765	\$ 18,149,911	\$ 18,161,473	131.96
Grand Total:		\$ 469,841,162	\$ 425,422,666	\$ 529,469,882	\$ 528,570,227	\$ 546,156,837	\$ 473,222,799	\$ 527,408,943	\$ 555,268,603	18.18

8.	Division of Economic Development	\$ 6,901,719	\$ 6,692,675	\$ 7,089,978	\$ 5,644,026	\$ 5,539,826	\$ 5,609,675	\$ 6,594,269	\$ 6,384,811	(7.49)
Executive Branch Total		\$ 450,690,477	\$ 405,149,353	\$ 507,362,839	\$ 505,581,695	\$ 522,322,309	\$ 448,113,922	\$ 491,668,912	\$ 520,682,703	15.53
Executive Branch General Fund		\$ 108,722,191	\$ 99,440,015	\$ 101,939,850	\$ 104,202,851	\$ 111,024,806	\$ 103,881,014	\$ 115,726,711	\$ 120,638,493	10.96
Econ. Dev. Budget as % of total Executive Branch Budget		1.53	1.65	1.40	1.12	1.06	1.25	1.34	1.23	(19.93)
Econ. Dev. Budget as % of total Exe. Branch Gen. Fund Budget		6.35	6.73	6.96	5.42	4.99	5.40	5.70	5.29	(16.63)

Source: Office of the Controller, the Navajo Nation



TABLE 10A: Summary of the Executive Branch Budget
Fiscal Year 2009

A		B	C	D	E	F	G	H
DESCRIPTION		GENERAL FUND	INDIRECT COST FUND	PROPRIETARY FUND	FIDUCIARY FUND	SPECIAL REVENUE FUND - INTERNAL	SPECIAL REVENUE FUND - EXTERNAL	BRANCH TOTAL (Col. B thru G)
1.	Executive Offices	7,050,908						
2.	Department of Justice	5,683,525					1,809,682	7,493,207
3.	Gaming Regulatory	1,056,363						1,056,363
4.	Office of Management and Budget	1,324,213	706,212					2,030,425
5.	Office of Navajo Tax Commission	1,427,307						1,427,307
6.	Office of the Controller	3,901,518	2,579,432	1,110,000	8,130,053	5,898,152		21,619,155
7.	Division of General Services	6,544,836	1,777,084	47,473,941			1,182,941	56,978,802
8.	Division of Economic Development	5,529,811				855,000		6,384,811
9.	Division of Community Development	20,173,428				16,012,260	8,789,122	44,974,810
10.	Division of Human Resources	5,956,528	1,156,644	20,000	13,965,300		16,579,061	37,677,533
11.	Division of Dine Education	10,863,539		30,000	772,950	1,651,991	62,807,931	76,126,411
12.	Division of Natural Resources	18,279,189		4,990,000		2,930,000	19,496,931	45,696,120
13.	Environmental Protection Agency	1,902,976				1,850,000	5,215,082	8,968,058
14.	Division of Public Safety	8,268,772					47,578,456	55,847,228
15.	Division of Health	12,833,221			415,000		33,638,298	46,886,519
16.	Division of Social Services	4,067,359		50,000			90,408,129	94,525,488
18.	Navajo Nation Grants	5,775,000			16,233	148,325		5,939,558
19.	EXECUTIVE BRANCH TOTAL:	120,638,493	6,219,372	53,673,941	23,299,536	29,345,728	287,505,633	513,631,795

Source: Office of the Management and Budget. Division of Finance.



TABLE 10B: Summary of the Judicial Branch
Fiscal Year 2009

DESCRIPTION		GENERAL FUND	INDIRECT COST FUND	PROPRIETARY FUND	FIDUCIARY FUND	SPECIAL REVENUE FUND - INTERNAL	SPECIAL REVENUE FUND - EXTERNAL	BRANCH TOTAL
1.	Administrative Office of the Courts	1,503,896					77,651	1,581,547
2.	Chinle Judicial District Court	1,377,308					446,335	1,823,643
3.	Crownpoint Judicial District Court	1,405,698					444,335	1,850,033
4.	Window Rock Judicial District Court	1,429,232					529,621	1,958,853
5.	Shiprock Judicial District Court	1,205,951					484,640	1,690,591
6.	Tuba City Judicial District Court	1,240,503					357,049	1,597,552
7.	Ramah Judicial District Court	631,242					359,627	990,869
8.	Supreme Court	862,159					270,372	1,132,531
9.	Peacemaker Court	406,525						406,525
10.	Kayenta Judicial District Court	1,095,835					551,071	1,646,906
11.	Dilkon Judicial District Court	794,332					373,129	1,167,461
12.	Utah Judicial District	636,877					373,129	1,010,006
13.	Tohajiilee Judicial District	593,990					309,565	903,555
14.	Alamo Judicial District	259,104					142,297	401,401
BRANCH TOTAL:		13,442,652					4,718,821	18,161,473

Source: Office of Management and Budget. Division of Finance.



TABLE 10C: Summary of the Legislative Branch Budget FY 2009

DESCRIPTION		GENERAL FUND	INDIRECT COST FUND	PROPRIETARY FUND	FIDUCIARY FUND	REVENUE FUND - INTERNAL	REVENUE FUND - EXTERNAL	TOTAL (Col. B thru G)
1.	Navajo Nation Council	6,160,476						6,160,476
2.	Government Services Committee	99,660						99,660
3.	Budget and Finance Committee	110,179						110,179
4.	Education Committee	100,514						100,514
5.	Public Safety Committee	102,891						102,891
6.	Resources Committee	99,552						99,552
7.	Ethics and Rules Committee	104,366						104,366
8.	Judiciary Committee	99,783						99,783
9.	Economic Development Committee	105,039						105,039
10.	Health and Social Services Committee	100,950						100,950
11.	Human Services Committee	88,111						88,111
12.	Transportation and Community Dev. Com.	105,436						105,436
13.	Intergovernmental Relations Committee	145,111						145,111
14.	Navajo Nation Labor Commission	318,093						318,093
15.	Office of the Speaker	2,319,276						2,319,276
16.	Office of Government Development	277,089						277,089
17.	Office of Legislative Counsel	1,087,744						1,087,744
18.	Navajo Utah Commission	243,439						243,439
19.	Office of Legislative Services	1,862,024						1,862,024
20.	Ethics and Rules Office	347,484						347,484
21.	Office of Election Administration	1,226,413			19,600			1,246,013
22.	Board of Election Supervisors	53,749						53,749
23.	Black Mesa Review Board	56,671					27,387	84,058
24.	Office of the Auditor General	1,017,645						1,017,645
25.	Navajo-Hopi Land Commission	145,745						145,745
26.	Commission on Emergency Management							0
27.	Eastern Agency Land Commission							0
28.	Office of Eastern Navajo Land Commission							0
29.	Navajo Nation Code Enterprise							0
BRANCH TOTAL:		16,377,440	0	0	19,600	0	27,387	16,424,427

Source: Office of Management and Budget. Division of Finance



TABLE 10D: Summary Budget of the Navajo Nation
Fiscal Year 2000 thru 2009

Year	Description	Executive Branch	Legislative Branch	Judicial Branch	Capital* Budget	Total
2000	General Fund	\$ 79,288,537	\$ 8,162,078	\$ 5,075,212		\$ 92,525,827
	External Fund	\$ 218,912,366	\$ 1,218,019	\$ 985,475		\$ 221,115,860
	Total	\$ 298,200,903	\$ 9,380,097	\$ 6,060,687		\$ 313,641,687
2001	General Fund	\$ 94,279,019	\$ 9,994,439	\$ 5,539,447		\$ 109,812,905
	External Fund	\$ 730,319,938	\$ 1,326,530	\$ 2,290,269		\$ 733,936,737
	Total	\$ 824,598,957	\$ 11,320,969	\$ 7,829,716		\$ 843,749,642
2002	General Fund	\$ 108,722,191	\$ 11,094,563	\$ 6,388,037		\$ 126,204,791
	External Fund	\$ 341,968,286	\$ 1,486,056	\$ 1,060,663		\$ 344,515,005
	Total	\$ 450,690,477	\$ 12,580,619	\$ 7,448,700		\$ 470,719,796
2003	General Fund	\$ 99,440,015	\$ 11,197,163	\$ 6,592,205		\$ 117,229,383
	External Fund	\$ 305,709,338	\$ 1,428,975	\$ 1,054,970		\$ 308,193,283
	Total	\$ 405,149,353	\$ 12,626,138	\$ 7,647,175		\$ 425,422,666
2004	General Fund	\$ 101,939,850	\$ 11,613,785	\$ 7,150,067	\$ 206,048	\$ 120,909,750
	External Fund	\$ 405,422,989	\$ 2,253,758	\$ 1,099,433	\$ -	\$ 408,776,180
	Total	\$ 507,362,839	\$ 13,867,543	\$ 8,249,500	\$ 206,048	\$ 529,685,930
2005	General Fund	\$ 104,202,851	\$ 12,192,822	\$ 7,424,465	\$ 217,051	\$ 124,037,189
	External Fund	\$ 401,378,844	\$ 2,263,131	\$ 1,108,114	\$ -	\$ 404,750,089
	Total	\$ 505,581,695	\$ 14,455,953	\$ 8,532,579	\$ 217,051	\$ 528,787,278
2006	General Fund	\$ 101,930,746	\$ 12,466,538	\$ 7,459,145	\$ 9,094,060	\$ 130,950,489
	External Fund	\$ 407,761,263	\$ 2,795,770	\$ 1,113,075	\$ 3,536,240	\$ 415,206,348
	Total	\$ 509,692,009	\$ 15,262,308	\$ 8,572,220	\$ 12,630,300	\$ 546,156,837
2007	General Fund	\$ 103,881,014	\$ 11,901,361	\$ 9,770,732	\$ 9,094,060	\$ 134,647,167
	External Fund	\$ 344,232,908	\$ 2,329,051	\$ 1,108,033	\$ 3,536,240	\$ 351,206,232
	Total	\$ 448,113,922	\$ 14,230,412	\$10,878,765	\$ 12,630,300	\$ 485,853,399

Comprehensive Economic Development Strategy



(Continue)

2008	General Fund	\$ 115,726,711	\$ 15,245,322	\$13,554,054	\$ 11,230,350	\$ 155,756,437
	External Fund	\$ 375,942,201	\$ 2,344,798	\$ 4,595,857	\$ 3,860,199	\$ 386,743,055
	Total	\$ 491,668,912	\$ 17,590,120	\$18,149,911	\$ 15,090,549	\$ 542,499,492
2009	General Fund	\$ 120,638,493	\$ 16,377,440	\$13,442,652	\$ 19,316,157	\$ 169,774,742
	External Fund	\$ 400,044,210	\$ 46,987	\$ 4,718,821	\$ 3,780,628	\$ 408,590,646
	Total	\$ 520,682,703	\$ 16,424,427	\$18,161,473	\$ 23,096,785	\$ 578,365,388

Note: *For the Year 2006 this column represents Fixed Cost Set asides.

Source: Office of Management and Budget. Division of Finance.



TABLE 11: The Navajo Nation Sources of General Fund Revenue
 FY'2009 Budget
 (\$1=\$1,000)

Revenue Source	Actual					Projection of Recurring Revenues		
	Year Ended 9/30/2004	Year Ended 9/30/2005	Year Ended 9/30/2006	Year Ended 9/30/2007	Year Ended 9/30/2008	Year Ended 9/30/2009	Year Ended 9/30/2010	Year Ended 9/30/2011
Oil & Gas	\$20,362	\$28,722	\$36,776	\$26,293	\$31,559	\$57,215	\$45,000	\$45,000
Coal	\$67,611	\$74,647	\$80,643	\$55,683	\$62,360	\$54,931	\$50,000	\$50,000
Taxes (PIT,BAT, OIL & Gas Sev.	\$56,872	\$62,600	\$65,175	\$53,660	\$63,310	\$70,906	\$65,000	\$65,000
Investment Income	\$2,264	\$3,543	\$10,570	\$5,000	\$9,537	\$9,000	\$9,000	\$9,000
Land Rentals,ROW, Bus, Sites	\$12,846	\$23,540	\$32,545	\$18,250	\$28,248	\$32,648	\$30,000	\$30,000
Court Fines Fees	\$1,195	\$1,173	\$1,227	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200
Other- Misc. Revenue	\$3,162	\$2,183	\$1,083	\$800	\$1,000	\$500	\$1,000	\$1,000
TOTAL GROSS REVENUE.	\$164,312	\$196,408	\$228,019	\$160,886	\$197,214	\$226,400	\$201,200	\$201,200
Less 12% Permanent Fund	(\$19,717)	(\$23,596)	(\$27,362)	(\$19,306)	(\$23,666)	(\$27,168)	(\$24,144)	(\$24,144)
Less 2% Land Acq. Trust Fund	(3,286)	(3,928)	(4,560)	(3,218)	(3,944)	(4,528)	(4,024)	(4,024)
Less O & G Develop/Higher Ed	(\$3,000)	(\$3,000)	(\$7,200)	(\$7,200)	(\$7,200)	(\$7,200)	(\$7,200)	(\$7,200)
Less 2% Local Government	(3,286)	(3,928)	(4,560)	\$-	\$-	\$-	\$-	\$-
Less Capital Outlay Match Funding	(\$2,000)	(\$2,000)	(\$2,000)	(\$2,000)	(\$2,000)	(\$2,000)	(\$2,000)	(\$2,000)
Less Water Rights Claim Fund		(\$2,000)	(\$2,000)	(\$2,000)	(\$2,000)	(\$2,000)	(\$2,000)	(\$2,000)
Less Historical Trust Asset Litigation					(\$1,500)	(\$1,500)	(\$1,500)	(\$1,500)
Less 4% Veterans Trust Fund					(\$7,889)	(\$9,056)	(\$8,048)	(\$8,048)
Net Revenue for Budgeting	\$133,022	\$160,983	\$180,336	\$127,162	\$149,015	\$172,948	\$152,284	\$152,284

NOTE: 1) Revenue Projection does not include 45% of Permanent Fund Income that became available in 2006 (no spending plan)

2) There is \$53.452 Million of set asides for FY 2009.

Source: Office of Management and Budget (Budget Manual)



TABLE 12: Revenue from Minerals on the Navajo Nation
(in million dollars)

Description	2001	2002	2003	2004	2005	2006	2007	2008
Coal Revenue	\$48.90	\$51.20	\$63.70	\$66.10	\$72.04	\$78.16	\$59.70	\$58.91
Oil Revenue*	\$22.42	\$17.17	\$19.02	\$19.35	\$29.00	\$36.00	\$27.00	\$57.00
Gas Revenue	\$2.10	\$0.85	\$1.95	\$2.07				
LPG Revenue	\$0.17	\$0.03	\$0.19	\$0.08				
Total	\$73.59	\$69.25	\$84.86	\$87.60	\$101.04	\$114.16	\$86.70	\$115.91

Minerals Production on the Navajo Nation

Description	2001	2002	2003	2004	2005	2006	2007*	2008*
Coal Prod. (mln. tons)	23.50	23.70	24.40	26.09	27.50	23.17	19.72	19.23
Oil (bbls.)	5,141,285	4,530,000	4,250,000	3,800,000	3,490,000	3,500,000	3,700,000	3,747,000
Gas (Mcf)**	8,625,787	8,520,000	8,100,000	7,700,000	2,400,000	2,450,000	2,500,000	2,500,000
LPG. Prod. (gal.)	1,448,707	750,000	800,000	750,000	-	-	-	-

* Started 2005, Oil Revenue includes revenue from Oil, Gas and Natural Gas Liquids (NGL) previously referred to as LPG.

** Started 2005, Gas includes NGL

Source: Mineral's Department. Division of Natural Resources. The Navajo Nation.



TABLE 13: The Navajo Nation Tax Revenue by Category
(FY 00 – 08)

Description	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Sales - Non-Retail			10,917	\$ 8,758,993	\$12,478,679	\$11,568,024	\$10,725,779	\$12,861,018	\$ 19,157,089
Possessory Interest	8,303,441	9,578,398	18,301,486	\$26,542,045	\$27,123,470	\$28,654,136	\$29,167,417	\$31,467,214	\$ 31,501,790
Oil & Gas Severance	4,835,209	5,584,548	3,601,990	\$ 3,070,283	\$ 5,430,814	\$ 6,615,406	\$10,082,738	\$ 6,958,830	\$ 10,858,617
Business Activity	13,203,231	12,573,600	19,623,576	\$14,749,866	\$14,347,821	\$14,726,374	\$16,397,244	\$13,287,366	\$ 11,748,134
Tobacco Products	131,507	150,214	211,949	\$ 208,831	\$ 241,232	\$ 253,813	\$ 271,589	\$ 153,418	\$ 206,578
Hotel Occupancy Tax	1,169,686	881,533	948,291	\$ 666,969	\$ 1,053,926	\$ 1,116,909	\$ 898,537	\$ 1,039,300	\$ 1,134,991
Fuel Excise Tax	9,350,310	9,342,479	11,859,698	\$12,064,487	\$13,657,622	\$13,783,129	\$12,570,193	\$12,868,606	\$ 13,807,378
Sales - Retail	-	-	2,630,569	\$ 4,489,163	\$ 4,750,300	\$ 4,997,499	\$ 5,167,269	\$ 5,367,624	\$ 7,426,876
GRAND TOTAL	36,993,384	38,110,772	57,188,476	70,550,637	79,083,864	81,715,290	85,280,766	84,003,376	95,841,453

Source: Office of The Navajo Nation Tax Commission



TABLE 14: The Navajo Nation Economic Data & Housing Data from ACS 2007

INCOME AND BENEFITS (IN 2007 INFLATION-ADJUSTED DOLLARS)				
Total households	41,645	100%	112,377,977	100%
Less than \$10,000	9,337	22.42%	8,230,936	7.30%
\$10,000 to \$14,999	4,325	10.39%	6,338,493	5.60%
\$15,000 to \$24,999	6,948	16.68%	12,354,764	11.00%
\$25,000 to \$34,999	4,548	10.92%	12,073,352	10.70%
\$35,000 to \$49,999	5,906	14.18%	16,305,746	14.50%
\$50,000 to \$74,999	5,692	13.67%	21,288,192	18.90%
\$75,000 to \$99,999	2,381	5.72%	13,676,398	12.20%
\$100,000 to \$149,999	2,060	4.95%	13,152,457	11.70%
\$150,000 to \$199,999	58	0.14%	4,508,193	4.00%
\$200,000 or more	390	0.94%	4,449,446	4.00%

Type of Income	The Navajo Nation	USA
Median household income (dollars)	\$ 25,456.00	\$50,740.00
Mean household income (dollars)	\$ 36,302.00	\$69,193.00

Type of Income	The Navajo Nation		USA	
With earnings	27,975	67.20%	90,255,315	80.30%
Mean earnings (dollars)	\$ 43,702.0		69,972	
With Social Security	11,449	27.50%	30,214,979	26.90%
Mean Social Security income (dollars)	\$ 9,854.0		14,493	
With retirement income	5,362	12.90%	19,689,391	17.50%
Mean retirement income (dollars)	\$ 11,317.0		20,362	

With Supplemental Security Income	6,802	16.30%	4,565,694	4.10%
Mean Supplemental Security Income (dollars)	\$ 7,301.0		\$ 7,757.0	
With cash public assistance income	3,124	7.50%	2,411,238	2.10%
Mean cash public assistance income (dollars)	\$ 3,251.0		\$ 3,247.0	
With Food Stamp benefits in the past 12 months	8,291	19.90%	8,676,234	7.70%

Type of Income	The Navajo Nation	USA
Median family income (dollars)	\$ 29,846.0	\$ 61,173.0
Mean family income (dollars)	\$ 41,465.0	\$ 10,265.0

Per capita income (dollars)	\$ 10,441.00	\$ 26,688.00
------------------------------------	---------------------	---------------------



(Continue)

HOUSING OCCUPANCY

Total housing units	70,032	100.00
Occupied housing units	41,645	59.47
Vacant housing units	28,387	40.53

Average HH size of owner-occupied unit	3.84
Average household size of renter-occupied unit	4.07

SELECTED CHARACTERISTICS

Occupied housing units	41,645	100.00
Lacking complete plumbing facilities	8,838	21.22
Lacking complete kitchen facilities	7,897	18.96
No telephone service available	19,437	46.67

Source: ACS 2007

**TABLE 15A: Gaming Operations and Revenue****Fiscal Year 2007**

Gaming Revenue Range	Number of	Revenues	Percentage of		Mean	Median
	Operations	(in thousands)	Operations	Revenues	(in 000's)	(in 000's)
\$250 million and over	22	10,999,559	5.80%	42.30%	\$499,980	\$416,824
\$100 million to \$250 million	47	7,807,413	12.30%	30.00%	\$166,115	\$158,777
\$50 million to \$100 million	46	3,281,581	12.00%	12.60%	\$71,339	\$71,215
\$25 million to \$50 million	57	2,037,400	14.90%	7.80%	\$35,744	\$33,506
\$10 million to \$25 million	85	1,442,901	22.30%	5.50%	\$16,975	\$16,193
\$3 million to \$10 million	66	391,941	17.30%	1.50%	\$5,939	\$5,714
Under \$3 million	59	\$55,302	15.40%	0.20%	\$937	\$755
Total	382	\$6,016,098	100.00%	99.90%		

Fiscal Year 2006

\$250 million and over	23	11,006,025	5.80%	44.20%	\$478,523	\$413,556
\$100 million to \$250 million	40	6,730,419	10.20%	27.00%	\$168,260	\$157,987
\$50 million to \$100 million	45	3,185,470	11.40%	12.80%	\$70,788	\$66,955
\$25 million to \$50 million	64	2,241,013	16.20%	9.00%	\$35,016	\$32,652
\$10 million to \$25 million	73	1,241,706	18.50%	5.00%	\$17,010	\$17,363
\$3 million to \$10 million	67	416,098	17.00%	1.70%	\$6,210	\$6,423
Under \$3 million	82	\$68,293	20.80%	0.30%	\$833	\$347
Total	394	\$24,889,022	99.90%	100.00%		

Fiscal Year 2005

\$250 million and over	21	\$9,691,959	5.40%	42.90%	\$461,522	\$379,129
\$100 million to \$250 million	39	\$6,206,788	9.90%	27.50%	\$159,148	\$145,771
\$50 million to \$100 million	43	\$2,897,277	11.00%	12.80%	\$67,379	\$63,211
\$25 million to \$50 million	58	\$2,019,686	14.80%	8.90%	\$34,822	\$33,116
\$10 million to \$25 million	75	\$1,267,891	19.10%	5.60%	\$16,905	\$16,383
\$3 million to \$10 million	68	\$411,501	17.30%	1.80%	\$6,051	\$5,474
Under \$3 million	88	\$83,698	22.40%	0.40%	\$951	\$417
Total	392	\$22,578,800				

Fiscal Year 2004

\$250 million and over	15	\$7,200,911	4.00%	37.00%	\$480,061	\$376,449
\$100 million to \$250 million	40	\$6,277,698	10.70%	32.20%	\$156,942	\$155,160
\$50 million to \$100 million	33	\$2,240,010	8.80%	11.50%	\$67,879	\$67,233
\$25 million to \$50 million	60	\$2,144,496	16.00%	11.00%	\$35,742	\$33,391
\$10 million to \$25 million	71	\$1,180,438	18.90%	6.10%	\$16,626	\$16,035
\$3 million to \$10 million	58	\$354,050	15.50%	1.80%	\$6,104	\$6,040
Under \$3 million	98	\$81,531	26.10%	0.40%	\$832	\$530
Total	375	\$19,479,134				



(Continue)

Fiscal Year 2003

Gaming Revenue Range	Number of	Revenues	Percentage of		Mean	Median
	Operations	(in thousands)	Operations	Revenues	(in 000's)	Operations
\$250 million and over	11	\$5,381,204.00	3.10%	32.00%	\$489,200	\$343,230
\$100 million to \$250 million	32	\$5,333,377.00	8.90%	31.70%	\$166,668	\$163,916
\$50 million to \$100 million	35	\$2,459,698.00	9.70%	14.60%	\$70,277	\$65,416
\$25 million to \$50 million	57	\$2,040,711.00	15.90%	12.10%	\$35,802	\$35,219
\$10 million to \$25 million	69	\$1,170,169.00	19.20%	7.00%	\$16,959	\$16,741
\$3 million to \$10 million	57	\$350,398.00	15.90%	2.10%	\$6,147	\$5,819
Under \$3 million	98	\$90,825	27.30%	0.50%	\$927	\$522
Total	359	\$16,826,382				

Fiscal Year 2002

\$250 million and over	10	\$4,640,064.00	2.90%	31.50%	\$464,006	\$302,298
\$100 million and over	31	\$4,870,596.00	8.90%	33.10%	\$157,116	\$150,174
\$50 million to \$100 million	24	\$1,694,606.00	6.90%	11.50%	\$70,609	\$68,225
\$25 million to \$50 million	55	\$1,978,519.00	15.80%	13.40%	\$35,973	\$38,984
\$10 million to \$25 million	65	\$1,067,513.00	18.60%	7.30%	\$16,423	\$16,570
\$3 million to \$10 million	63	\$386,399.00	18.10%	2.60%	\$6,133	\$5,373
Under \$3 million	101	\$79,965	28.90%	0.50%	\$800	\$469
Total	349	\$14,717,662	100.10%	99.90%		

Fiscal Year 2001

\$100 million and over	39	\$8,398,523.00	11.80%	65.50%	\$215,347	\$158,836
\$50 million to \$100 million	19	\$1,415,755.00	5.80%	11.00%	\$74,513	\$79,083
\$25 million to \$50 million	43	\$1,528,611.00	13.00%	11.90%	\$35,549	\$34,264
\$10 million to \$25 million	58	\$997,546.00	17.60%	7.80%	\$17,199	\$16,328
\$3 million to \$10 million	57	\$385,654.00	17.30%	3.00%	\$6,766	\$7,292
Under \$3 million	114	\$96,257.00	34.50%	0.80%	\$844	\$575
Total	330	\$12,822,346	100.00%	100.00%		

Fiscal Year 2000

\$100 million and over	31	\$6,606,284.00	10.00%	60.30%	\$213,106	\$141,684
\$50 million to \$100 million	24	\$1,693,510.00	7.70%	15.50%	\$70,563	\$73,314
\$25 million to \$50 million	41	\$1,360,777.00	13.20%	12.40%	\$33,190	\$29,944
\$10 million to \$25 million	50	\$856,464.00	16.10%	7.80%	\$17,129	\$17,335
\$3 million to \$10 million	55	\$350,110.00	17.70%	3.20%	\$6,366	\$6,250
Under \$3 million	110	\$91,545.00	35.40%	0.80%	\$832	\$365
Total	311	\$10,958,690	100.10%	100.00%		

Fiscal Year 1999

\$100 million and over	28	\$5,845,787.00	11.00%	61.00%	\$208,778	\$136,897
\$50 to \$100 million	19	\$1,323,996.00	8.00%	14.00%	\$69,684	\$70,412
\$25 to \$50 million	32	\$1,166,820.00	13.00%	12.00%	\$36,463	\$37,004
\$10 to \$25 million	54	\$926,309.00	21.00%	10.00%	\$17,154	\$16,769
\$3 to \$10 million	46	\$284,345.00	18.00%	3.00%	\$6,181	\$6,392
Under \$3 million	73	\$67,439.00	29.00%	1.00%	\$924	\$656
Total	252	\$9,614,696	100.00%	101.00%		



(Continue)

Fiscal Year 1998

Gaming Revenue Range	Number of	Revenues	Percentage of		Mean	Median
	Operations	(in thousands)	Operations	Revenues	(in 000's)	Operations
\$100 million and over	23	\$4,674,895.00	8.00%	55.00%	\$203,256	\$127,972
\$50 to \$100 million	20	\$1,354,563.00	7.00%	16.00%	\$67,728	\$68,922
\$25 to \$50 million	31	\$1,090,227.00	11.00%	13.00%	\$35,169	\$34,639
\$10 to \$25 million	56	\$948,089.00	21.00%	11.00%	\$16,930	\$16,287
\$3 to \$10 million	55	\$341,064.00	20.00%	4.00%	\$6,201	\$5,746
Under \$3 million	88	\$79,079.00	32.00%	1.00%	\$899	\$583
Total	273	\$8,487,917	99.00%	100.00%		

Fiscal Year 1997

\$100 million and over	15	\$3,298,611.00	6.00%	44.00%	\$219,907	\$137,779
\$50 to \$100 million	22	\$1,676,320.00	8.00%	22.00%	\$76,196	\$73,955
\$25 to \$50 million	35	\$1,182,924.00	13.00%	16.00%	\$33,798	\$32,695
\$10 to \$25 million	52	\$890,465.00	20.00%	12.00%	\$17,124	\$17,305
\$3 to \$10 million	53	\$311,960.00	20.00%	4.00%	\$5,886	\$5,493
Under \$3 million	88	\$91,069.00	33.00%	1.00%	\$723	\$723
Total	265	\$7,451,349				

Fiscal Year 1996

\$100 million and over	12	\$2,604,463.00	5.00%	41.00%	\$217,039	\$168,682
\$50 to \$100 million	20	\$1,511,280.00	9.00%	24.00%	\$75,564	\$74,605
\$25 to \$50 million	24	\$843,558.00	10.00%	13.00%	\$35,148	\$34,553
\$10 to \$25 million	61	\$1,022,540.00	26.00%	16.00%	\$16,763	\$16,100
\$3 to \$10 million	42	\$233,520.00	18.00%	4.00%	\$5,560	\$5,807
Under \$3 million	73	\$85,507.00	31.00%	1.00%	\$1,171	\$978
Total	232	\$6,300,868				

Fiscal Year 1995

\$100 million and over	8	\$2,014,492.00	4.00%	37.00%	\$251,812	\$168,241
\$50 to \$100 million	19	\$1,485,172.00	9.00%	27.00%	\$78,167	\$78,664
\$25 to \$50 million	22	\$793,567.00	10.00%	15.00%	\$36,071	\$35,998
\$10 to \$25 million	57	\$883,545.00	27.00%	16.00%	\$15,501	\$14,488
\$3 to \$10 million	36	\$214,549.00	17.00%	4.00%	\$5,960	\$6,165
Under \$3 million	73	\$63,691.00	34.00%	1.00%	\$872	\$601
Total	215	\$5,455,016	101.00%	100.00%		



Growth in Gaming Revenues (in billions)

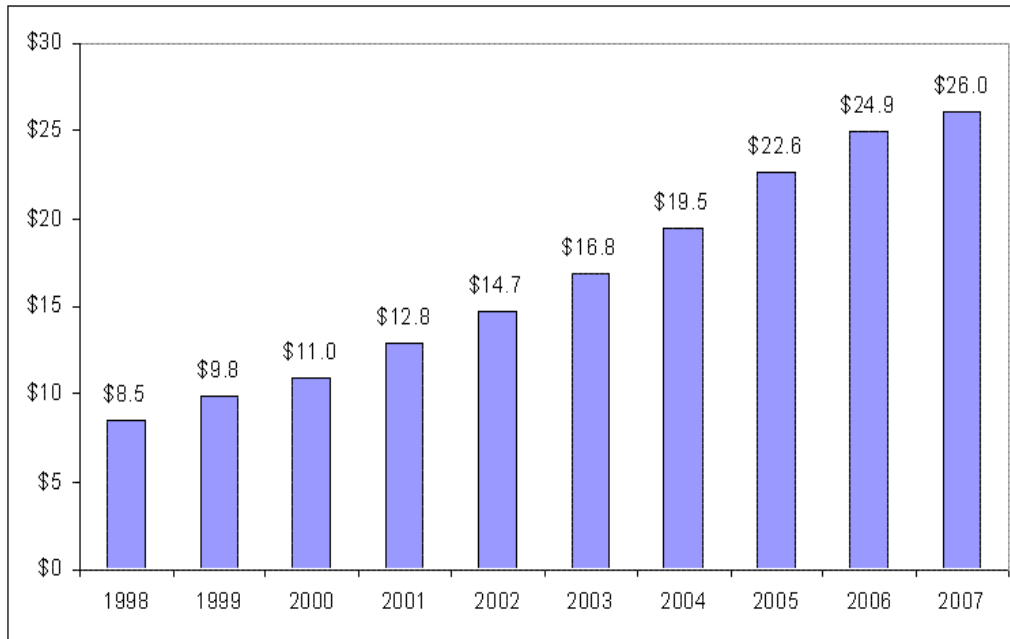




Table 15B: Gaming Tribes in the United States by States

ALASKA

Klawock Cooperative Association
Metlakatla Indian Community
Poarch Band of Creek Indians

ARIZONA

Ak Chin Indian Community
Cocopah Indian Tribe
Colorado River Indian Tribes
Fort McDowell Mohave-Apache Indian Community
Gila River Indian Community
Pascua Yaqui Tribe of Arizona
Quechan Indian Tribe
Salt River Pima-Maricopa Indian Community
San Carlos Apache Tribe
Tohono O'odham Nation
Tonto Apache Tribe
White Mountain Apache Tribe
Yavapai Apache Nation
Yavapai-Prescott Indian Tribe

CALIFORNIA

Agua caliente Band of Cahuilla Indians
Alturas Indian Reservation
Auberry Big Sandy Rancheria
Augustine Band of Mission Indians
Barona Band of Mission Indians
Bear River Band of the Roheville Rancheria
Berry Creek Rancheria of Maidu Indians
Big Sandy Band of western Mono Indians
Big Valley Rancheria of Pomo Indians
Bishop Paiute Tribe
Cabazon Band of Mission Indians
Cachill Dehe Band of Wintun Indians of Colusa community
Cahto Tribe of the Laytonville Rancheria
Cahuilla Band of Mission Indians
Canto Indian Tribe of the Laytonville Rancheria
Campo Band of Diegueno Mission of the Campo Indians
Chemehuevi Indian Tribe
Cher-Ae Heights Indian Community
Chicken Ranch Band of Me-Wuk Indians
Colusa Band of Wintun Indians
Coyote Valley Band of Pomo Indians
Dry Creek Rancheria of Pomo Indians
Elk Valley Rancheria
Fort Mojave Tribal Council
Hoopa Valley Tribe
Hopland Band of Pomo Indians

MONTANA

Assiniboine & Sioux Tribes of the Fort Peck Reservation
Blackfeet Tribe of Indians
Chippewa Cree Tribe of the Rocky Boy's Reservation
Confederated Salish and Kootenai Tribes of the Flathead Rese
Crow Indian Tribe
Fort Belknap Indian Community
Northern Cheyenne Tribe

MISSOURI

Eastern Shawnee Tribe of Oklahoma

NEBRASKA

Omaha Tribe of Nebraska
Santee Sioux Tribe of Nebraska
Winnebago Tribe of Nebraska

NEVADA

Las Vegas Paiute Tribe
Moapa Band of Paiutes

NEW MEXICO

Jicarilla Apache Nation
Mescalero Apache Tribe
Pueblo of Acoma
Pueblo of Isleta
Pueblo of Laguna
Pueblo of Pojoaque
Pueblo of San Felipe
Pueblo of San Juan
Pueblo of Sandia
Pueblo of Santa Ana
Pueblo of Santa Clara
Pueblo of Taos
Pueblo of Tesuque

NEW YORK

Oneida Nation of New York
Seneca Nation of Indians
St. Regis Mohawk Tribe

NORTH CAROLINA

Eastern Band of Cherokee Indians



Jackson Rancheria Band of Miwuk Indians
Lake Miwok Indian Nation of the Middletown Rancheria
LaJolla Band of Luiseno Mission of the LaJolla Reservation
Lytton Rancheria of California
Middle town Rancheria of Pomo Indians
Mooretown Rancheria
Morongo Band of Mission Indians
Paiute Shoshone Indians of the Bishop Community
Pala Band of Mission Indians
Paskenta Band of Nomlaki Indians
Pauma Band of Luiseno Mission Indians
Pechanga Band Of Luiseno Mission Indians
Picayme Rancheria of Chukchasia Indians
Pit River Tribe
Redding Rancheria
Rincon San Luiseno Band of Mission Indians
Robinson Rancheria of Pomo Indians
Rumsey Indian Rancheria
San Pasqual Band of Diegueno
Tuolumne Band of Me-wuk Indians
San Manuel Band of Mission Indians
Santa Rosa Band of Tachi Indians of the Santa Rosa Rancheria
Santa Ynez Band of Mission Indians
Sherwood Valley Rancheria
Shingle Springs Rancheria
Smith River Rancheria
Soboba Band of Luiseno Indians
Susanville Indian Rancheria
Sycuan Band of Mission Indians
Table Mountain Rancheria
Temecula Band of Luiseno Mission Indians
Trinidad Rancheria
Tule River Tribe of the Tule River Indian Reservation
Twenty-Nine Palms Band of Mission Indians
Tyme Maidu Tribe of the Berry Creek Rancheria
Viejas Band of Mission Indians

COLORADO

Southern Ute Indian Tribe
Ute Mountain Ute Tribe

CONNECTICUT

Mashantucket Pequot Tribe
Mohegan Tribe of Indians of Connecticut

NORTH DAKOTA

Spirit Lake Sioux Nation
Standing Rock Sioux Tribe
Three Affiliated Tribes of the Fort Berthold Reservation
Turtle Mountain Band of Chippewa Indians

OKLAHOMA

Absentee-Shawnee Tribe of Oklahoma
Apache Tribe of Oklahoma
Cherokee Nation of Oklahoma
Cheyenne and Arapaho Tribes of Oklahoma
Chickasaw Nation of Oklahoma
Choctaw Nation of Oklahoma
Citizen Band Potawatomi Indians of Oklahoma
Comanche Indian Tribe
Delaware Tribe of Western Oklahoma
Ft. Sill Apache Tribe of Oklahoma
Iowa Tribe of Oklahoma
Kaw Nation of Oklahoma
Kickapoo Tribe of Oklahoma
Miami Nation
Modoc Tribe of Oklahoma
Muscogee (Creek) Nation
Osage Nation
Ottawa Tribe of Oklahoma
Otoe-Missouria Tribe of Oklahoma
Pawnee Nation of Oklahoma
Peoria Tribe of Indians
Ponca Tribe of Oklahoma
Quapaw Tribe of Oklahoma
Sac & Fox Nation
Seminole Nation of Oklahoma
Seneca-Cayuga Tribe of Oklahoma
Thlopthlocco Tribal Town
Tonkawa Tribe of Oklahoma
Wyandotte Naiton

OREGON

Burns Paiute Tribe
Confederated Tribes of the Grand Ronde Community
Confederated Tribes of the Siletz Indians of Oregon
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs Reservation of Or
Coquille Indian Tribe
Cow Creek Band of Umpqua Indians
Klamath Tribes



FLORIDA

Miccosukee Business Committee
Seminole Tribe

IDAHO

Coeur d'Alene Tribe
Kootenai Tribe of Idaho
Nez Perce Tribe
Shoshone-Bannock Tribes

IOWA

Sac & Fox Tribe of Mississippi in Iowa
--

KANSAS

Iowa Tribe of Kansas and Nebraska
Kickapoo Nation in Kansas
Prairie Band Potawatomi
Sac and Fox Nation of Missouri

LOUISIANA

Chitimacha Tribe of Louisiana
Coushatta Tribe of Louisiana
Tunica-Biloxi Tribe of Louisiana
MICHIGAN
Bay Mills Indian Community
Grand Traverse Band of Ottawa/Chippewa Indians
Hannahville Indian Community
Keweenaw Bay Indian Community
Lac Vieux Desert Band of Lake Superior Chippewa Indians
Little River Band of Ottawa Chippewa
Little Traverse Bay Bands of Odawa Indians
Saginaw Chippewa Indian Tribe
Sault Ste. Marie Tribe of Chippewa Indians

MINNESOTA

Bois Forte Band of Chippewa
Fond du Lac Reservation Business Committee
Grand Portage Band of Chippewa Indians
Leech Lake Band of Chippewa Indians
Lower Sioux Indian Community
Mille Lacs Band of Chippewa Indians
Prairie Island Indian Community
Red Lake Band of Chippewa Indians
Shakopee Mdewakanton Sioux Community
Upper Sioux Community
White Earth Band of Chippewa Indians

SOUTH DAKOTA

Cheyenne River Sioux Tribe
Crow Creek Sioux Tribe
Flandreau Santee Sioux Tribe
Lower Brule Sioux Tribe
Oglala Sioux Tribe
Rosebud Sioux Tribal Council
Sisseton-Wahpeton Sioux Tribe
Yankton Sioux Tribe

TEXAS

Kickapoo Traditional Tribe of Texas

WASHINGTON

Confederated Tribes and Bands of the Yakama Indian Nation
Confederated Tribes of the Chehalis Reservation
Confederated Tribes of the Colville Reservation
Jamestown S'Klallam Tribe
Kalispell Indian Community
Lummi Nation
Makah Indian Tribe of the Makah Indian Reservation
Muckleshoot Indian Tribe
Nisqually Indian Tribe
Nooksack Indian Tribe
Port Gamble S'Klallam Tribe
Puyallup Tribe of Indians
Shoalwater Bay Indian Tribe
Skokomish Indian Tribe of the Spokane Reservation
Stillaguamish Tribe of Washington
Spokane Tribe of Indians
Squaxin Island Tribe
Suquamish Tribe
Swinomish Indian Tribal Community
Tulalip Tribes of Washington
Upper Skagit Indian Tribe

WISCONSIN

Bad River Band of Lake Superior Tribe of Chippewa Indians
Forest County Potawatomi Community
Ho-Chunk Nation
Lac Courte Oreilles Band of Lake Superior Chippewas
Lac du Flambeau Band of Lake Superior Chippewa Indians
Menominee Indian Tribe of Wisconsin
Oneida Tribe of Indians of Wisconsin
Red Cliff Band of Lake Superior Chippewa
Sokaogon Chippewa Community
St. Croix Chippewa Indians of Wisconsin



MISSISSIPPI

Mississippi Band of Choctaw Indians

MISSOURI

Eastern Shawnee Tribe of Oklahoma

Stockbridge-Munsee Community

WYOMING

Eastern Shoshone Tribe

Northern Arapaho Tribe of the Wind River Indian Reservation

(Note: This list is not intended to be exhaustive. Because gaming facilities open and close over time, Tribes may be included that does not presently operate a gaming facility.

Source: National Indian Gaming Commission



Table 16: Results of Referendum Vote on Gaming by Chapters

CHAPTER	1994		1997		2004		Rgstrd Voters*	Population**
	Yes	No	Yes	No	Yes	No		
Alamo	302	149	89	27	136	382	921	2,267
Aneth	253	328	155	136	262	143	1,098	2,501
Baca	188	136	130	118	281	203	965	972
Becenti	134	169	67	111	100	86	469	554
Beclabeto	179	150	116	122	134	92	481	897
Birdsprings	125	175	91	63	126	91	571	907
Black Mesa	99	117	63	79	113	72	417	435
Bodaway/Gap	208	384	121	167	217	206	893	2,010
Bread Springs	183	163	116	133	246	147	624	1,113
Burnham	81	151	40	112	80	47	398	262
Cameron	169	227	146	201	181	172	686	1,347
Canoncito	219	213	62	57	219	150	745	1,805
Casamero Lake	121	107	83	56	100	23	387	601
Chichiltah	268	346	119	210	297	216	985	1,851
Chilchinbeto	112	258	106	140	194	149	591	1,450
Chinle	562	661	401	391	595	302	2,472	9,582
Church Rock	327	250	217	216	394	179	1,254	3,066
Coalmine Mesa	124	176	108	58	157	115	655	409
Coppermine	131	172	91	105	130	72	575	736
Cornfields	174	266	143	168	181	133	637	908
Counselor	79	137	56	77	94	111	483	1,114
Cove	96	143	48	111	121	68	468	0
Coyote Canyon	258	272	175	195	324	151	815	1,047
Crownpoint	254	251	150	199	242	85	991	3,180
Crystal	274	200	162	167	234	164	654	851
Cudeii	140	147	71	144	108	66	575	0
Dennehotso	225	250	146	171	267	163	797	1,779
Dilkon	235	236	243	142	306	194	916	2,414
Forest Lake	102	189	63	109	101	94	414	627
Fort Defiance	689	560	432	492	561	331	2,330	6,296
Fruitland, Upper	270	322	136	308	140	173	955	3,165
Ganado	255	355	166	218	279	185	904	3,315
Hard Rock	129	330	99	162	147	157	604	1,375
Hogback	300	229	148	208	218	182	854	1,517
Houck	251	294	216	187	344	143	985	1,673
Huerfano	264	385	129	280	278	417	1,251	2,590
Indian Wells	162	197	121	114	181	104	577	1,062
Inscription House	140	259	107	160	146	156	682	1,328
Iyanbito	198	110	150	64	264	57	591	1,131
Jeddito	223	256	155	104	173	66	634	1,421
Kaibeto	255	324	109	202	215	229	948	2,156
Kayenta	421	527	303	372	317	280	1,540	6,910
Kinlichee	297	399	241	257	386	192	1,113	1,536
Klagetoh	216	340	137	193	224	137	663	1,135
Lake Valley	75	105	38	48	83	73	319	484



Lechee	209	219	125	131	168	185	689	2,068
Leupp	171	298	129	180	216	235	837	1,756
Little Water	150	192	80	82	130	112	573	625
Low Mountain	161	202	137	94	203	117	641	1,010
Lower Greasewood	241	267	201	153	264	159	764	1,540
Lukachukai	248	392	146	214	264	183	902	2,202
Lupton	181	191	144	142	191	90	529	1,095
Manuelito	120	125	67	100	212	80	552	392
Many Farms	277	423	235	260	314	180	1,104	3,034
Mariano Lake	175	200	100	112	182	106	636	952
Mexican Springs	260	169	172	140	242	123	661	1,442
Mexican Water	120	153	76	94	110	90	577	892
Nageezi	232	277	126	200	227	148	932	1,098
Nahata Dziil	140	142	130	89	278	99	784	1,589
Nahodishgish	113	57	64	53	97	52	327	442
Naschitti	331	377	217	269	319	201	1,092	1,855
Navajo Mountain	96	186	62	105	137	99	513	691
Nazlini	172	276	136	173	272	145	707	1,260
Nenahnezad	212	216	113	199	155	159	843	1,855
Newcomb	142	203	63	178	112	124	474	0
Oak/Pine Springs	130	216	114	113	198	116	533	671
Ojo Encino	102	118	50	61	162	118	607	775
Oljato	243	431	105	226	209	225	1,188	2,508
Pinedale	178	199	127	101	247	100	834	1,236
Pinon	260	367	196	220	330	197	1,259	3,355
Pueblo Pintado	103	176	68	71	124	118	436	508
Ramah	173	232	148	275	294	253	952	1,834
Red Lake	127	91	76	88	129	89	405	2,639
Red Mesa	171	241	101	103	187	63	839	1,245
Red Rock	233	231	153	150	313	180	1,024	2,221
Red Valley	212	276	166	298	224	209	931	1,906
Rock Point	164	380	111	202	143	133	832	1,496
Rock Springs	194	182	125	125	263	128	846	1,085
Rough Rock	143	200	82	88	205	98	527	1,006
Round Rock	178	207	114	142	244	130	636	1,414
Saint Michaels	496	430	334	293	369	208	1,561	6,727
San Juan	93	76	68	72	78	44	309	21
Sanostee	307	520	175	351	282	256	1,318	2,088
Sawmill	248	272	184	159	237	132	720	1,000
Sheep Springs	223	147	92	107	178	120	524	899
Shiprock	909	822	556	778	763	488	3,572	10,154
Shonto	232	367	170	154	281	245	1,067	2,647
Smith Lake	123	148	81	112	131	104	528	1,167
Standing Rock	131	129	91	99	199	91	529	744
Steamboat	329	338	196	206	359	187	941	1,826
Sweetwater	157	275	108	157	154	115	708	1,547
Tachee/Blue Gap	108	304	65	160	150	99	606	1,579
Teec Nos Pos	238	341	110	203	228	197	900	1,448



Teestoh	162	260	125	153	227	139	691	1,022
Thoreau	207	158	115	126	217	102	795	1,587
Tohatchi	383	293	211	237	418	175	1,045	2,271
Tolani Lake	136	160	109	78	135	108	487	826
Tonalea	218	417	172	255	307	264	1,037	2,776
Torreón/Star Lake	265	241	114	136	175	122	992	1,989
Tsaile/Wheatfields	242	308	166	179	350	193	1,046	2,237
Tsayatoh	175	188	101	89	242	62	654	818
Tselani/Cottonwood	242	372	155	235	315	208	1,031	1,478
Tuba City	424	525	441	356	530	437	2,390	9,560
Twin Lakes	336	228	181	157	491	202	1,092	2,463
Two Grey Hills	174	238	163	179	160	91	763	2,011
Whippoorwill	165	251	107	107	213	133	682	1,594
White Cone	196	269	153	113	212	139	721	1,513
White Horse Lake	100	146	53	73	107	151	479	598
White Rock	72	74	45	50	45	29	252	65
Wide Ruins	230	249	140	128	237	89	708	1,340
Total	23450	28073	15305	18087	25051	16732	91021	197,471

* Updated on August 22, 2005

Population figures have been extrapolated by Trib Choudhary based upon the 2000

** Census data.

Source: The Navajo Nation Office of the Election Administration.



Table 17: Total Registered Voters on the Navajo Nation
(as of 2008 Quarter)

CHAPTERS	VOTER COUNT
ALAMO	1,169
ANETH	1,446
BAAHAALI	791
BACA/PREWITT	1,240
BECENTI	648
BECLABITO	591
BIRDSPRINGS	698
BLACK MESA	563
BODAWAY/GAP	1,138
CAMERON	884
CASAMERO LAKE	529
CHICHILTAH	1,287
CHILCHINBETO	695
CHINLE	3,210
CHURCHROCK	1,755
COALMINE CANYON	819
COPPER MINE	692
CORNFIELDS	791
COUSELOR	607
COVE	583
COYOTE CANYON	984
CROWNPOINT	1,335
CRYSTAL	792
DENNEHOTSO	1,015
DILCON	1,135
FOREST LAKE	493
FORT DEFIANCE	3,142
GADII AHI	616
GANADO	1,164
GREASEWOOD	885
HARDROCK	740
HOUCK	1,184
HUERFANO	1,588
INDIAN WELLS	730
IYANBITO	742
JEDDITO	843
KAIBETO	1,116
KAYENTA	2,029
KINLICHEE	1,369
KLGETOH	828
LAKE VALLEY	416
LECHEE	811
LEUPP	1,152
LITTLE WATER	706
LOW MOUNTAIN	766
LUKACHUKAI	1,116
LUPTON	635
MANUELITO	756
MANY FARMS	1,347

CHAPTERS	VOTER COUNT
NAZLINI	871
NENAHNEZAD	1,150
NEWCOMB	565
OAK SPRINGS	616
OJO ENCINO	714
OLJATO	1,484
PINEDALE	1,074
PINON	1,552
PUEBLO PINTADO	518
RAMAH	1,151
RED LAKE	597
RED MESA	1,083
RED ROCK	1,340
RED VALLEY	1,141
ROCK POINT	985
ROCK SPRINGS	1,152
ROUGH ROCK	662
ROUND ROCK	765
SAN JUAN	394
SANOSTEE	1,584
SAWMILL	957
SHEEPSRINGS	650
SHIPROCK	4,779
SHONTO	1,315
SMITH LAKE	683
ST. MICHAELS	2,051
STANDING ROCK	656
STEAMBOAT	1,162
SWEETWATER	890
TACHEE/ BLUE GAP	743
TEECNOSPOS	1,042
TEESTO	843
THOREAU	1,055
TIISTOH SIKAA	506
TOADLENA/TWO GREY HILLS	896
TOHACHI	1,266
TOHAJILEE	954
TOLANI LAKE	657
TONALEA	1,297
TO-NANEEES-DIZI	3,265
TORREON	1,276
TSAH BII KIN	788
TSAILE/WHEATFIELDS	1,269
TSAYATOH	845
TSE DAA KAA	1,020
TSELANI/COTTONWOOD	1,211
TWIN LAKES	1,377
UPPER FRUITLAND	1,276
WHIPPOORWILL	846



(Continue)

CHAPTERS	VOTER COUNT
MARIANO LAKE	803
MEXICAN SPRINGS	830
MEXICAN WATER	690
NACHITTI	1,277
NAGEEZI	1,109
NAHATA DZIL	1,007
NAHODISHGISH	408
NAVAJO MOUNTAIN	597

CHAPTERS	VOTER COUNT
WHITECONE	913
WHITEHORSE LAKE	553
WHITEROCK	333
WIDE RUINS	875
Total	114,939

Source: The Navajo Nation Election Administration

**Table 18: LGA Certified Chapters**

Name of the Chapter	Date of Certification	Agency
Shonto	September 22, 1999	Western
Nahata Dziil	August 16, 2002	Fort Defiance
Steamboat	May 30, 2003	Fort Defiance
New Comb	June 18, 2004	Northern
To'Nanees'Dizi (Tuba City)	December 28, 2004	Western
San Juan	March 7, 2007	Northern
Tse' Daa' Kaan (Hogback)	June 21, 2007	Northern
Sheep Springs	August 24, 2007	Northern
Little Water	November 15, 2007	Eastern
Baahaali (Breadsprings)	December 24, 2008	Eastern

Source: Division of Community Development



Table 19: FY'2009 Project Priority Listing

Project Description	Location	Projected Cost	Source of Financing	Job Creation	
				Temp.	Perm.
Nahata Dziil Shopping Center	NahataDzill, AZ	\$6,250,000	NN, EDA, Private	40	100
Latex Gloves Manufacturing Plant	Church Rock, NM	\$6,450,000	NM, NN, BIDF, Fed. Prog.	20	80
Church Rock Gateway Incubator Service Center Infrastructure	Church Rock, NM	\$300,000	Fed. Prog. NN, State	20	20
Ganado Commercial Center	Ganado, AZ	\$3,000,000	Fed. Prog. NN	30	50
Kerley Valley Commercial/Industrial Site	Tuba City, AZ	\$2,460,000	AZ, Fed. Prog. NN	25	100
Shonto Jct. Commercial/Industrial Park	Shonto, AZ	\$500,000	AZ, Fed. Prog. NN	20	15
Coalmine Canyon Commercial/Industrial Site	Coalmine Canyon, AZ	\$1,445,000	Fed Prog.	15	10
Chilchinbeto Commercial/Industrial Park	Chilchinbeto, AZ	\$1,485,000	Fed. Prog. ADOT, AML, NN	15	25
Bitter Springs Commercial Site	Bittersprings, AZ	420,000	AZ, Fed Prog. NN	15	10
Kaibeto Commercial & Tourism Development	Kaibeto, AZ	\$575,000	Fed. Prog. NN, State	15	20
Montezuma Creek Shopping Center	Montezuma Creek, UT	\$2,486,016	NN, USDA, EDA, UNTF & NRB	40	30
Antelope Point Resort	LeChee/Page	\$75,000,000	Private	175	150
Auto Parts Store & Auto Repair	Chinle, AZ	\$500,000		20	15
Huerfano Roadside Devmt-Tourism	Huerfano, NM	\$500,000	Fed. Prog. NN, State	10	20
Torreon Roadside Development-Tourism	Torreon, NM	\$1,300,000	Fed. Prog. NN, State	10	20
Gorman's Trailer Court	Chinle, AZ	\$20,000		4	4
Convenience Store & Gas station	Sheepsprings, NM	\$500,000	Private	20	10
Karigan Estates - Residential	St. Michaels, AZ	\$30,000,000	Private, NN	40	0
Wheatfields Lake Renovation	Wheatfields, AZ	\$110,463	FHWA Scenic Roads	100	5
Karigan Estates Apartment Complex	St. Michaels, AZ	\$2,000,000	Private, BIDF	25	4
TecNosPos Commercial Center	TecNosPos, AZ	\$4,300,000		40	35
Convenience Store/Gas Station	Chinle, AZ	\$1,000,000		20	15
Storage Units	Chinle, AZ	\$50,000		4	3
New Fairgrounds	Shiprock, NM	\$1,500,000		10	2
Monarch Park	St. Michaels, AZ	\$550,000	NN	10	50
Karigan Restaurant	St. Michaels, AZ	\$3,750,000	NN	50	40
Eastern Navajo Office & Retail Complex	Crownpoint, NM	\$4,000,000		50	50
Office Complex & Retail Center	Shiprock, NM	\$5,000,000		50	50
Motel & Convention Center	Shiprock, NM	\$3,100,000		50	50
American Family Entertainment Center		\$1,050,000.0			
Bottled Water Processing Plant (Leupp, AZ)	Leupp	\$3,600,000.0			
Seven Rural Commercial Facilities		\$10,500,000			
Sheepsprings Welcome Center	Sheepsprings, NM	\$1,800,000.0			
Kerly Valley Commercial Light Industrial Site		\$4,500,000.0			
Navajo Nation Shopping Centers		\$5,000,000.0			
Acciona Thermal Solar Project		\$2,000,000.0			
Mariano Lake Trading Post	Mariano Lake	\$1,500,000.0			
	TOTAL:	\$18,501,479		943	983

Source: Project Development, Division of Economic Development, the Navajo Nation

**Table 20: Population Labor Force Ratio**

Region	Total Population	Pop 16 Years or over	Labor Force	L. F. as a percentage of Population 16 Years or Over	L. F. as a percentage of Population
AZ	6,338,755	4,847,562	3,032,456	62.56	47.84
NM	1,969,915	1,533,601	945,978	61.68	48.02
UT	2,645,330	1,911,752	1,329,490	69.54	50.26
USA	301,621,159	236,416,572	153,212,564	64.81	50.80
The Navajo Nation*	204,698	150,722	62,433	41.42	30.50

*Figures for the Navajo Nation have been estimated by the Support Services Department of Division of Economic Development of the Navajo Nation.

Source: ACS 2007. Extracted by Trib Choudhary. Support Services Department. Division of Economic Development.



Table 21: Unemployment Rate and Income Levels by State

State	Unempl. Rate	Median HH Income All	Median HH Income AIAN Alone	Median Family Income All	Median Family Income AIAN Alone	Per Capita Income All	Per Capita Income AIAN Alone	Total People	Below Poverty Level	%
Alabama	6.7	40,554	32,809	50,770	33,722	22,366	17,970	4,506,549	759,835	16.86
Alaska	7.5	64,333	40,750	72,865	45,881	28,891	16,078	666,618	59,625	8.94
Arizona	6.9	49,889	30,228	58,627	32,268	24,811	12,319	6,225,486	881,257	14.16
Arkansas	6.2	38,134	40,678	47,021	48,659	20,708	17,204	2,753,919	492,052	17.87
California	9.3	59,948	43,712	67,484	52,643	28,678	23,728	35,768,016	4,433,014	12.39
Colorado	6.1	55,212	40,120	67,491	48,611	29,133	19,464	4,756,244	569,386	11.97
Connecticut	7.1	65,967	49,577	81,421	53,369	35,904	24,898	3,387,524	268,880	7.94
Delaware	6.2	54,610	55,714	66,198	69,821	27,853	21,762	838,497	87,956	10.49
District of Columbia	8.8	54,317		66,672		40,379	38,829	559,557	91,934	16.43
Florida	8.1	47,804	47,349	56,966	58,326	26,696	22,229	17,846,751	2,158,832	12.10
Georgia	8.1	49,136	42,084	58,403	48,640	24,928	20,144	9,286,158	1,323,828	14.26
Hawaii	5.5	63,746	36,953	73,879	55,071	28,287	20,716	1,254,854	100,051	7.97
Idaho	6.4	46,253	31,035	54,342	31,993	23,105	13,424	1,464,460	177,806	12.14
Illinois	7.6	54,124	40,004	65,761	51,547	27,965	22,146	12,541,198	1,496,248	11.93
Indiana	8.2	47,448	41,460	57,734	49,038	23,805	22,538	6,145,040	757,813	12.33
Iowa	4.6	47,292	38,933	59,587	47,298	24,566	13,888	2,881,760	317,946	11.03
Kansas	5.2	47,451	40,585	60,510	46,609	25,197	19,720	2,688,942	300,210	11.16
Kentucky	7.8	40,267	26,855	50,291	26,441	21,951	16,532	4,120,513	714,080	17.33
Louisiana	5.9	40,926	32,098	50,727	31,987	21,934	17,813	4,166,756	775,425	18.61
Maine	7	45,888	18,836	56,266	24,523	24,977	13,724	1,281,433	154,224	12.04
Maryland	5.8	68,080	55,291	82,404	60,792	33,743	31,954	5,477,839	453,699	8.28
Massachusetts	6.9	62,365	33,396	78,497	50,063	32,822	21,378	6,244,824	621,286	9.95
Michigan	10.6	47,950	37,020	59,618	43,735	24,816	19,079	9,832,533	1,376,658	14.00
Minnesota	6.9	55,802	33,047	69,172	36,281	29,027	16,612	5,066,767	481,947	9.51
Mississippi	8	36,338	37,003	44,769	48,581	19,365	17,041	2,821,649	581,534	20.61
Missouri	7.3	45,114	33,853	55,947	40,070	23,915	21,264	5,708,785	742,486	13.01
Montana	5.4	43,531	26,859	53,497	29,504	22,937	10,906	933,264	131,790	14.12
Nebraska	4	47,085	19,377	58,587	21,654	24,174	10,326	1,719,387	192,822	11.21
Nevada	9.1	55,062	48,458	62,842	66,879	27,729	20,963	2,528,598	269,953	10.68
New Hampshire	4.6	62,369	40,349	74,625	39,632	30,517	22,299	1,274,795	90,204	7.08
New Jersey	7.1	67,035	37,193	81,823	57,936	33,832	20,628	8,505,944	729,211	8.57
New Mexico	4.9	41,452	32,020	49,658	37,190	21,822	12,324	1,925,509	349,159	18.13
New York	7	53,514	34,919	64,602	47,284	29,885	19,154	18,775,329	2,570,014	13.69
North Carolina	8.7	44,670	30,175	55,028	33,982	24,307	15,002	8,793,290	1,258,988	14.32



(Continue)

State	Unempl. Rate	Median HH Income All	Median HH Income AIAN Alone	Median Family Income All	Median Family Income AIAN Alone	Per Capita Income All	Per Capita Income AIAN Alone	Total People	Below Poverty Level	%
North Dakota	3.5	43,753	20,576	58,827	31,821	24,127	11,650	612,565	74,035	12.09
Ohio	7.8	46,597	32,381	58,374	49,346	24,581	20,282	11,151,314	1,464,133	13.13
Oklahoma	4.9	41,567	34,806	51,787	42,902	22,540	15,469	3,498,298	557,030	15.92
Oregon	9	48,730	31,933	59,152	32,377	25,501	14,359	3,670,490	474,189	12.92
Pennsylvania	6.7	48,576	30,786	60,825	39,773	26,228	16,179	11,998,834	1,393,026	11.61
Rhode Island	10	53,568	22,718	70,187	30,606	27,777	11,454	1,018,722	122,128	11.99
South Carolina	9.5	43,329	29,170	52,913	29,822	23,137	15,565	4,270,155	641,758	15.03
South Dakota	3.9	43,424	24,153	53,910	24,823	22,252	9,227	768,499	100,699	13.10
Tennessee	7.9	42,367	31,691	51,945	40,532	23,418	22,787	5,996,979	953,865	15.91
Texas	6	47,548	40,725	55,742	46,863	23,938	20,499	23,284,143	3,791,183	16.28
Utah	4.3	55,109	28,675	62,432	34,496	22,603	13,791	2,601,491	251,084	9.65
Vermont	6.4	49,907	37,389	61,561		26,735	16,702	600,231	60,589	10.09
Virginia	5.4	59,562	52,934	70,894	53,943	31,177	21,442	7,466,205	742,680	9.95
Washington	7.1	55,591	33,619	66,642	37,798	29,027	16,525	6,337,707	725,172	11.44
West Virginia	4.9	37,060	65,637	46,338		20,419	24,915	1,763,476	298,172	16.91
Wisconsin	6.2	50,578	33,411	62,804	34,135	25,993	16,386	5,447,306	588,287	10.80
Wyoming	3.4	51,731	45,604	63,947	42,036	27,687	14,004	508,840	44,064	8.66
Puerto Rico	NA	17,741	20,712	20,900	22,147	9,639	7,496	3,878,136	1,763,078	45.46
The Navajo Nation	50.52	25,456	24,354	29,846	29,219	7,122	NA	163,484	60,095	36.76

Source: For Unemployment Rate – Bureau of Labor Statistics
For other ACS 2007

Note: The Unemployment Rate and Per Capita Income Data for the Navajo Nation has been taken from the Employment and Income Survey conducted by the Support Services Department of the Navajo Nation.



Table 22: 90 thru 97 NN Data on Employment and Income
12/31/98 thru 12/31/2007

Description	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Population	176,564	178,687	180,462	183,784	187,093	190,494	193,961	197,471	201,060	204,698
Labor Force	53,853	54,500	55,041	56,054	57,062	58,101	59,158	60,229	61,323	62,433
Employed	30,496	30,708	30,818	32,420	30,776	30,464	30,738	30,996	31,420	30,890
Unemployed	23,357	23,792	24,223	23,634	26,286	27,637	28,420	29,233	29,903	31,543
Unempl. Rate	43.37	43.65	44.01	42.16	46.07	47.57	48.04	48.54	48.76	50.52
Personal Inc.	\$1,016,764,284	\$1,110,811,059	\$1,175,079,929	\$1,217,554,156	\$1,305,704,368	\$1,411,947,247	\$1,500,051,602	\$1,627,232,654	\$1,552,061,223	\$1,457,812,979
Per Capita Inc.	\$5,759	\$6,217	\$6,512	\$6,625	\$6,979	\$7,412	\$7,733.78	\$8,240.36	\$7,719.39	\$7,121.80

Government and Service Sector (Schools, Hospitals etc.) Employment

Govt.	8404	7,086	7,642	8,891	7,994	7,030	7,266	7,497	7,995	8,214
Service	13612	14,538	14,532	15,000	14,551	15,453	15,616	15,432	15,394	15,215
Total	22,016	21,624	22,174	23,891	22,545	22,483	22,882	22,929	23,389	23,429
% of Ttl Empl	72.19	70.42	71.95	73.69	73.26	73.80	74.44	73.97	74.44	75.85
Other Sectors	8,480	9,084	8,644	8,529	8,231	7,981	7,856	8,067	8,031	7,461
% of Ttl Empl	27.81	29.58	28.05	26.31	26.74	26.20	25.56	26.03	25.56	24.15

Navajo Money spent in Off-reservation Communities

GR of WR Trade	\$223,146,324	\$223,217,869	\$234,714,210	\$231,305,889	\$247,606,347	\$245,507,767	\$250,399,443	\$268,622,576	\$257,166,076	\$304,117,737
Ttl \$ spent here	\$325,554,796	\$354,978,373	\$359,483,744	\$348,448,594	\$418,989,462	\$406,180,588	\$432,482,722	\$482,888,659	\$529,377,763	\$539,014,209
Outflow of Nav \$	67.98	68.04	69.41	71.38	67.91	71.23	71.17	70.32	65.89	63.03

Source: Support Services Department, Division of Economic Development



Table 23A: Employment by Sectors of Economy

12/31/2007

The Navajo Nation

Economic Sector	Number of Employers	No. of People Employed			Salary & Benefits	Gross Receipts	% Employed
		Navajo	Non-Navajo	Total			
Agriculture	2	236	5	241	\$ 6,794,384.0	\$ 38,922,873.0	0.78
Construction	22	569	12	581	\$ 22,082,112.0	\$ 60,731,007.0	1.88
Finance/Insurance/Real Estate	28	493	49	542	\$ 14,035,757.0	\$ 7,262,829.0	1.75
Government/Public	236	7,916	298	8,214	\$ 253,179,657.0	\$ 2,573,526.0	26.59
Manufacturing	8	248	39	287	\$ 8,301,127.0	\$ 29,980,965.0	0.93
Mining	11	1,039	126	1,165	\$ 98,108,452.0	\$ 480,055,389.0	3.77
Retail Trade	162	2,345	217	2,562	\$ 44,570,318.0	\$ 296,642,097.0	8.29
Service	272	11,754	3,461	15,215	\$ 671,838,111.0	\$ 150,550,086.0	49.26
Transportation/Communications	66	1,626	364	1,990	\$ 165,867,559.0	\$ 132,252,336.0	6.44
Wholesale	10	80	13	93	\$ 1,078,391.0	\$ 7,475,640.0	0.30
TOTAL	817	26,306	4,584	30,890	\$1,285,855,868.0	\$1,206,446,748.0	100.00

Source: Support Services Department, Division of Economic Development, The Navajo Nation



Table 23B: Employment by Sectors of Economy
United States, Arizona, New Mexico, Utah and the Navajo Nation

INDUSTRY	USA		Arizona		New Mexico		Utah		Navajo Nation	
Agriculture, forestry, fishing and hunting, and mining	2,634,756	1.80%	43,413	1.50%	34,784	3.90%	23,749	1.90%	1,406	4.55
Construction	11,049,193	7.70%	303,773	10.70%	81,500	9.20%	118,093	9.30%	581	1.88
Manufacturing	16,093,022	11.30%	229,921	8.10%	49,076	5.50%	137,231	10.80%	287	0.93
Wholesale trade	4,512,451	3.20%	80,207	2.80%	20,522	2.30%	41,297	3.20%	93	0.30
Retail trade	16,322,468	11.40%	337,665	11.90%	105,222	11.90%	158,234	12.40%	2,562	8.29
Transportation and warehousing, and utilities	7,395,133	5.20%	135,533	4.80%	42,239	4.80%	59,244	4.70%	1,990	6.44
Information	3,545,556	2.50%	47,992	1.70%	17,596	2.00%	32,956	2.60%		
Finance and insurance, and real estate and rental and leasing	10,232,761	7.20%	231,545	8.20%	48,028	5.40%	88,037	6.90%	542	1.75
Professional, scientific, and management, and administrative and waste management services	14,649,929	10.30%	318,116	11.20%	95,354	10.80%	134,077	10.50%	0	0
Educational services, and health care and social assistance	30,157,621	21.20%	534,526	18.80%	197,389	22.30%	254,249	20.00%	15,215	49.26
Arts, entertainment, and recreation, and accommodation, and food services	12,480,475	8.80%	293,549	10.30%	91,314	10.30%	106,504	8.40%	0	0
Other services, except public administration	6,833,711	4.80%	137,260	4.80%	38,751	4.40%	51,054	4.00%	0	0
Public administration	6,681,042	4.70%	146,144	5.10%	63,508	7.20%	68,288	5.40%	8,214	26.59
Civilian employed population 16 years and over	142,588,118	100%	2,839,644	100%	885,283	100%	1,273,013	100%	30,890	100.00

Note: All Service Sector data on the Navajo Nation have been combined in Educational services, and health care and social assistance.

Source: ACS 2007 for US, AZ and New Mexico and Utah

Support Services Department of the Navajo Nation for the Navajo Nation Data.



Table 24A: Changes in the Number of Businesses and their Requests
1997 - 2002

		1997	2002	Percentage +/-
United States	Number of Firms	20,821,934	22,977,164	10.35
	Sales and Receipts (in \$1,000,000)	\$ 18,553,243	\$ 22,634,870	22.00
American Indian Owned	Number of Firms	197,300	206,125	4.47
	Sales and Receipts (in \$1,000,000)	\$ 34,344	\$ 26,396	(23.14)

Source: Economic Census
2002



Table 24B: Small and Large in the United States in 2002

	Number	Percent	Sales and Receipts (in \$1,000)	Percent
Firms with Paid Employees	5,526,111	24.05	\$21,867,386,411.0	96.61
non-Employer Establishments	17,451,053	75.95	\$ 767,483,995.0	3.39
Total	22,977,164	100.00	\$22,634,870,406.0	100.00

Source: Economic Census 2002. US Census Bureau.

SMALL AND LARGE FIRMS IN THE UNITED STATES in 2007

	Number	Percent	Sales and Receipts (in \$1,000)	Percent
Firms with Paid Employees	6,022,127	22.48	NA*	
non-Employer Establishments	20,768,555	77.52	\$ 970,384,137.0	
Total	26,790,682	100.00		

*Not available as of March 20, 2009

Source: Economic Census 2007 (County Business Pattern). US Census Bureau.



Table 25: Number of Business Site Leases on the Navajo Nation

Program	Active Business Site Leases	Percent	Inactive Business Site Leases	Percent	Total Number of Business Site Leases	Percent
Aneth RBDO	8	61.54%	5	38.46%	13	100%
Chinle RBDO	32	52.46%	29	47.54%	61	100%
Eastern RBDO	4	33.33%	8	66.67%	12	100%
Fort Defiance RBDO	39	20.53%	151	79.47%	190	100%
Shiprock RBDO	43	68.25%	20	31.75%	63	100%
Western RBDO	39	81.25%	9	18.75%	48	100%
Whippoorwill RBDO	8	50.00%	8	50.00%	16	100%
Total	173	42.93%	230	57.07%	403	100%

Source: Small Business Development Department, Division of Economic Development



Table 26: 2008 HHS Poverty Guidelines

Persons in Family or Household	48 Contiguous States and D.C.	Alaska	Hawaii
1	\$10,400	\$13,000	\$11,960
2	14,000	17,500	16,100
3	17,600	22,000	20,240
4	21,200	26,500	24,380
5	24,800	31,000	28,520
6	28,400	35,500	32,660
7	32,000	40,000	36,800
8	35,600	44,500	40,940
For each additional person, add	3,600	4,500	4,140

SOURCE: *Federal Register*, Vol. 73, No. 15, January 23, 2008, pp. 3971–3972

**Table 27A: Poverty Level – US, Arizona, New Mexico, Utah, and Navajo Nation**

Description	USA	AZ	NM	UT	The NN
All families	9.50%	10.20%	14.20%	6.90%	30.80%
With related children under 18 years	14.90%	15.90%	22.10%	9.50%	35.60%
With related children under 5 years only	16.00%	16.50%	25.10%	9.70%	34.30%
Married couple families	4.50%	5.50%	7.50%	4.10%	23.10%
With related children under 18 years	6.40%	8.40%	10.60%	5.00%	27.20%
With related children under 5 years only	5.90%	8.00%	8.60%	6.10%	18.80%
Families with female householder, no husband present	28.20%	27.90%	35.60%	24.90%	42.90%
With related children under 18 years	36.50%	34.70%	45.90%	32.50%	47.60%
With related children under 5 years only	44.80%	41.40%	54.10%	31.60%	50.90%

All people	13.00%	14.20%	18.10%	9.70%	36.80%
Under 18 years	18.00%	20.20%	25.50%	11.00%	41.30%
Related children under 18 years	17.60%	19.80%	25.00%	10.70%	41.20%
Related children under 5 years	20.80%	23.00%	30.00%	12.40%	44.30%
Related children 5 to 17 years	16.40%	18.40%	23.00%	10.00%	40.30%
18 years and over	11.30%	12.00%	15.70%	9.00%	34.70%
18 to 64 years	11.60%	12.70%	16.20%	9.40%	33.10%
65 years and over	9.50%	8.60%	13.30%	6.80%	44.40%
People in families	10.60%	12.30%	16.00%	7.20%	34.10%
Unrelated individuals 15 years and over	23.60%	22.20%	27.50%	26.40%	61.20%



Table 27B: Persons Below Poverty Level, 1975 – 2005
(in thousands)

Year	All persons	Percent	White	Percent	Black	Percent	Hispanic origin ¹	Percent	Asian and Pac. Isl.	Percent
1975	25,877	12.30	17,770	9.70	7,545	31.30	2,991	26.90	NA	NA
1976	24,975	11.8	16,713	9.1	7,595	31.1	2,783	24.7	NA	NA
1977	24,720	11.6	16,416	8.9	7,726	31.3	2,700	22.4	NA	NA
1978	24,497	11.4	16,259	8.7	7,625	30.6	2,607	21.6	NA	NA
1979	26,072	11.7	17,214	9	8,050	31	2,921	21.8	NA	NA
1980	29,272	13	19,699	10.2	8,579	32.5	3,491	25.7	NA	NA
1981	31,822	14	21,553	11.1	9,173	34.2	3,713	26.5	NA	NA
1982	34,398	15	23,517	12	9,697	35.6	4,301	29.9	NA	NA
1983	35,303	15.2	23,984	12.1	9,882	35.7	4,633	28	NA	NA
1984	33,700	14.4	22,955	11.5	9,490	33.8	4,806	28.4	NA	NA
1985	33,064	14	22,860	11.4	8,926	31.3	5,236	29	NA	NA
1986	32,370	13.6	22,183	11	8,983	31.1	5,117	27.3	NA	NA
1987	32,221	13.4	21,195	10.4	9,520	32.4	5,422	28	1,021	16.10
1988	31,745	13	20,715	10.1	9,356	31.3	5,357	26.7	1,117	17.3
1989	31,528	12.8	20,785	10	9,525	30.7	6,086	26.2	939	14.1
1990	33,585	13.5	22,326	10.7	9,837	31.9	6,006	28.1	858	12.2
1991	35,708	14.2	23,747	11.3	10,242	32.7	6,339	28.7	996	13.8
1992	38,014	14.8	25,259	11.9	10,827	33.4	7,592	29.6	985	12.7
1993	39,265	15.1	26,226	12.2	10,877	33.1	8,126	30.6	1,134	15.3
1994	38,059	14.5	25,379	11.7	10,196	30.6	8,416	30.7	974	14.6
1995	36,425	13.8	24,423	11.2	9,872	29.3	8,574	30.3	1,411	14.6
1996	36,529	13.7	24,650	11.2	9,694	28.4	8,697	29.4	1,454	14.5
1997	35,574	13.3	24,396	11	9,116	26.5	8,308	27.1	1,468	14
1998	34,476	12.7	23,454	10.5	9,091	26.1	8,070	25.6	1,360	12.5
1999	32,258	11.8	21,922	9.8	8,360	23.6	7,439	22.8	1,163	10.7
2000	31,139	11.3	21,291	9.4	7,901	22.1	7,155	21.2	1,226	10.8
2001	32,907	11.7	22,739	9.9	8,136	22.7	7,997	21.4	1,275	10.2
2002	34,570	12.1	23,466	10.2	8,602	24.1	8,555	21.8	11,612	10.1
2003	35,861	12.5	24,272	10.5	8,781	24.4	9,051	22.5	1,401	11.8
2004	36,997	12.7	25,301	10.8	9,000	24.7	9,132	21.9	1,209	9.8
2005	36,950	12.6	248,723	10.6	91,684	24.9	9,368	21.8	1,402	11.1

NA = Not Available

1. Persons of Hispanic origin may be of any race.
2. For years 2002 and 2003, figures refer to people who reported Asian and did not report any other race category.
3. The 2003 Current Population Survey allowed respondents to choose more than one race. White alone refers to people who reported White and did not report any other race category.
4. Black alone refers to people who reported Black and did not report any other race.
5. Asian alone refers to people who reported Asian and did not report any other race.

Source: U.S. Bureau of the Census. Web: www.census.gov



Table 28A: Visitation Statistics – Navajo Nation and Vicinity, 2007

Arizona	JAN	FEB	MAR	APR	MAY	JUN	JULY	AUG	SEPT	OCT	NOV	DEC	TO DATE
Antelope Canyon*	463	798	3,992	10,367	14,637	13,476	16,649	21,974	16,922	7,538	3,005	890	110,711
Canyon De Chelly*	184,309	149,650	151,099	186,869	157,754	178,531	191,476	187,268	219,466	140,356	163,958	131,045	2,041,781
Navajo Nat'l Mon. *	2,822	3,148	5,998	8,147	9,814	9,921	10,884	12,378	10,737	8,509	4,464	3,148	89,970
Hubbell Trading Post*	704	1,010	4,040	9,702	11,858	6,566	6,309	11,779	6,900	6,177	2,246	1,556	68,847
Painted Desert/Petr.Frst.	704	21,120	52,149	39,360	55,329	80,657	85,343	68,420	45,773	46,559	28,604	21,130	545,148
Sunset Crater	8,089	8,941	20,561	30,547	27,510	23,736	24,414	23,112	20,539	27,802	13,083	8,521	236,855
Walnut Nat'l Mon.	3,764	4,758	14,239	15,390	14,239	13,363	14,292	11,840	12,936	11,791	7,510	5,050	129,172
Wupatki Nat'l Mon.	6,091	8,349	21,057	29,793	23,992	28,332	30,757	27,022	26,483	19,482	12,939	7,985	242,282
Glen Canyon NRA	30,606	36,194	92,222	159,238	219,203	330,823	346,641	265,960	190,681	132,966	68,378	29,320	1,902,232
Little Colorado River	106	327	1,792	5,565	7,560	7,500	10,224	9,472	5,181	727	248	91	48,793
Grand Canyon NP	143,866	159,975	340,911	442,240	452,215	515,106	604,185	580,670	424,493	362,602	235,217	188,837	4,450,317
AZ Total by month	381,524	394,270	708,060	937,218	994,111	1,208,011	1,341,174	1,219,895	980,111	764,509	539,652	397,573	9,866,108

New Mexico

Aztec Ruins	701	946	2,620	3,283	4,878	5,793	6,034	4,901	4,590	3,446	1,869	894	39,955
Chaco Culture NHP	1,196	1,193	3,942	4,697	6,125	4,257	4,407	3,602	4,346	36,576	1,222	479	72,042
El Morro NM	2,673	2,379	4,821	5,362	6,641	6,373	6,031	7,768	4,641	4,616	2,780	2,278	56,363
NM Total by month	4,570	4,518	11,383	13,342	17,644	16,423	16,472	16,271	13,577	44,638	5,871	401,224	565,933

Utah

Monument Valley*	2,426	3,337	8,522	21,595	31,936	28,453	38,842	19,059	6,006	34,038	8,239	3,751	206,204
Four Corners*	2,150	2,528	9,824	13,264	19,390	14,103	45,923	32,387	21,176	13,119	2,195	3,477	179,536
UT Total by month	4,576	5,865	18,346	34,859	51,326	42,556	84,765	51,446	27,182	47,157	10,434	7,228	385,740

*These parks are inside the Navajo Nation/ Source: Department of Tourism, Division of Economic Development, Navajo Nation



Table 28B: Annual Visitation Report
Navajo Nation Parks and Recreation Department

2003 Annual Visitation Report

Places	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Total
Monument Valley Tribal Park	21,914	7,786	4,753	3,706	3,750	8,614	19,623	26,620	25,116	29,306	40,318	26,746	218,252
Antelope Canyon Tribal Park	40,311	1,164	377	242	314	1,056	4,221	6,319	6,368	7,760	8,657	8,016	84,805
Four Corners Monument	10,731	7,550	3,644	4,376	3,143	8,152	9,284	17,653	34,721	38,952	39,512	17,860	195,578
Little Colorado River	225	-	-	123	119	158	102	680	418	379	263	-	2,467
Zoological & Botanical Park	1,900	1,483	776	1,464	1,216	2,991	3,711	3,819	4,447	4,393	2,898	1,235	30,333
Monthly Total:	75,081	17,983	9,550	9,911	8,542	20,971	36,941	55,091	71,070	80,790	91,648	53,857	531,435

2004 Annual Visitation Report

Places	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Total
Monument Valley Tribal Park	19,912	6,383	4,963	3,386	4,130	12,568	23,620	35,946	30,150	38,837	24,180	15,876	219,951
Antelope Canyon Tribal Park	5,111	928	519	177	289	1,659	4,898	8,542	7,991	9,192	10,632	8,496	58,434
Four Corners Monument	16,806	6,030	5,265	3,386	2,229	10,457	8,667	12,132	21,080	47,163	32,571	12,390	178,176
Little Colorado River	-	-	-	-	424	148	606	939	1,635	2,445	1,847	21,653	29,697
Zoological & Botanical Park	1,952	1,411	890	829	977	3,721	3,237	4,407	4,677	4,310	3,215	1,917	31,543
Bowl Canyon Recreation	-	-	-	-	-	-	-	647	63	86	50	23	869
Monthly Total:	43,781	14,752	11,637	7,778	8,049	28,553	41,028	62,613	65,596	102,033	72,495	60,355	518,670

2005 Annual Visitation Report

Places	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Total
Monument Valley Tribal Park	27,241	7,129	4,046	3,195	4,632	14,413	23,001	38,936	34,027	40,697	54,192	46,029	297,538
Antelope Canyon Tribal Park	5,191	1,324	586	215	326	2,292	5,225	9,807	9,635	12,479	8,142	4,071	59,293
Four Corners Monument	10,058	5,495	3,498	2,119	1,324	4,886	11,948	25,210	17,884	46,088	34,541	19,502	182,553
Little Colorado River	-	1,440	444	450	185	425	1,010	2,255	3,628	3,416	3,016	-	16,269
Zoological & Botanical Park	1,775	1,320	1,025	991	905	1,999	1,474	3,742	2,066	1,017	593	491	17,398
Bowl Canyon Recreation	-	-	-	-	-	-	-	87	90	175	140	18	510
Monthly Total:	44,265	16,708	9,599	6,970	7,372	24,015	42,658	80,037	67,330	103,872	100,624	70,111	573,561



(Continue)

2006 Annual Visitation Report

Places	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Total
Monument Valley Tribal Park	30,058	9,548	4,549	3,304	4,032	10,257	26,770	29,941	31,330	35,724	50,228	38,093	273,834
Antelope Canyon Tribal Park	7,299	2,414	1,231	561	880	2,541	7,833	11,307	10,401	11,945	13,429	11,799	81,640
Four Corners Monument	11,469	4,297	3,289	1,854	2,384	6,908	11,515	17,272	36,784	46,850	30,569	21,077	194,268
Little Colorado River	36	80	195	475	520	500	1,050	1,750	589	1,317	4,972	3,030	14,514
Zoological & Botanical Park	314	622	206	52	120	93	1,353	955	1,062	736	-	-	5,513
Bowl Canyon Recreation	-	-	-	-	-	-	3	429	1,246	418	514	119	2,729
Monthly Total:	49,176	16,961	9,470	6,246	7,936	20,299	48,524	61,654	81,412	96,990	99,712	74,118	572,498

2007 Annual Visitation Report

Places	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Total
Monument Valley Tribal Park	34,038	8,239	3,751	2,426	3,337	8,522	21,595	31,936	28,453	34,842	19,059	6,006	202,204
Antelope Canyon Tribal Park	7,538	3,005	890	463	798	3,992	10,367	14,637	13,476	16,649	21,974	16,922	110,711
Four Corners Monument	13,119	2,195	3,477	2,150	2,528	9,824	13,264	19,390	14,103	45,923	32,287	21,176	179,436
Little Colorado River	727	248	91	106	327	1,792	5,565	7,560	7,500	10,224	9,472	5,181	48,793
Bowl Canyon Recreation	-	-	-	-	-	-	-	-	-	-	-	-	-
Monthly Total:	55,422	13,687	8,209	5,145	6,990	24,130	50,791	73,523	63,532	107,638	82,792		541,144

2008 Annual Visitation Report

Places	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Total
Monument Valley Tribal Park	28,452	7,765	4,325	2,385	3,443	11,569	1,636	-	-	-	-	-	59,575
Antelope Canyon Tribal Park	11,172	3,976	2,068	924	1,321	1,268	1,772	-	-	-	-	-	22,501
Four Corners Monument	10,744	5,163	791	2,231	2,024	4,179	5,944	-	-	-	-	-	31,076
Little Colorado River	4,666	1,100	473	1,638	1,582	3,334	-	-	-	-	-	-	12,793
Bowl Canyon Recreation	-	-	-	-	-	-	-	-	-	-	-	-	-
Monthly Total:	55,034	18,004	7,657	7,178	8,370	20,350	9,352	-	-	-	-	-	125,945

Source: Department of Tourism, Division of Economic Development, Navajo Nation

**Table 28C: Tourism Related Data on the Navajo Nation**

The following numbers have been taken from Survey of Visitors to Navajo Arts & Crafts Enterprise prepared by Arizona Office of Tourism

- Average Party Size – 3.7 persons
- Are older – Two-third over the age of 46 years, 29.1% over 60. Average Age 53 years. Median Age 50 years. Have higher incomes – Average Household Income was \$59,000. Median Income was \$80,000.00.
- Visitors hailed from 39 U.S. States – Arizona 12.5%; New Mexico – 12.1%; California 7.8%; and Colorado 7.8%.
- 3.5% of the visitors were International visitors. Of this figure 36.4% from Canada; 27.3% from Germany, United Kingdom, Italy, Greece and Denmark 9.1% each.
- Average stay on the Navajo Nation is 5 days.
- The dominant reason for visiting – 44.3% scenic beauty, 42.9% sight-seeing and 38.6% Native Arts and Crafts.
- Average spending on Arts and Crafts \$256 per party (\$100 Median), on lodging \$234 (median \$80).
- 98.9% of visitors said that they will recommend a visit to the Navajo Nation to their family and friends.
- 73% of the visitors have an annual household income exceeding \$50,000. 31% of the household have income exceeding \$90,000.

Economic benefit

- **Direct Impact: \$73.7 million**
- **Indirect and included impact: \$13.8 million**
- **Total: \$87.5 million**
- **Job Creation: 1,057**

Source: Survey of Visitors to Navajo Arts and Crafts Enterprise.
Prepared by Arizona Office of Tourism



Table 29A: Main Results of the Survey
12/31/2007

EMPLOYMENT & INCOME

Total Population ¹	204,698
Total Labor Force ²	62,433
Total Persons Employed	30,890
Total Persons Unemployed	31,543
Unemployment Rate	50.52
Total Personal Income	\$1,505,800,348.00
Per Capita Income	\$7,121.80

OUTFLOW OF NAVAJO DOLLARS

Total Personal Income ³	\$1,505,800,348
Gross Receipts of Wholesale & Retail Trade	\$304,117,737
Percentage of Total Personal Income	20.20
Total Money Spent on the Navajo Nation ⁴	\$539,014,209
Percentage of Total Personal Income	35.80
Percentage of Personal Income Spent off the Navajo Nation	64.20

EMPLOYERS

No. of Navajo Employers ⁵	213
No. of non-Navajo Employers	423
Total No. of Employers	636

Total Money Spent on the Navajo Nation

Wholesale & Retail Trade	\$304,117,737
Construction	\$60,731,007
T/C/U***	\$132,252,336
Finance, Insurance and Real Estate	\$41,913,129
TOTAL	\$539,014,209

*** GR of Four Corners Power Plant (GR not reported), Black Mesa Company and Navajo Generating Station have not been included in the total GR of T/C/U, because the GR of these employers come from outside the Navajo Nation.

Notes:

- 1 The figure has been estimated by the DED. Annual Population Growth Rate has been assumed to be 1.81 % from 2006 to 2007.
- 2 Labor Force has been estimated at 30.5% of the Total Population.
- 3 Please check calculation on Table No. 029E
- 4 Includes Gross Receipts of Wholesale/Retail Trade, Construction, and T/C/U & FIRE Sectors.
- 5 There are a total of 395 Navajo employers on the Navajo Nation, of which 182 are Navajo Govt. Offices. We have subtracted this number (182) from the total and thus we have 213 Navajo employers on the Navajo Nation instead of 395.

Source: Support Services Department, the Division of Economic Development, Navajo Nation.



Table 29B: Summary Data by State

12/31/2007

State	Land Area (in acres)	2007 Popul	Labor Force	# of Emplrs*	EMPLOYMENT			Total Unempl'd	Unempl. Rate	Sal. & Ben.	Gross Sales
					Nav.	n-Nav.	Total				
AZ	10,983,091	123,580	37,692	483	17,196	2,474	19,670	18,022	47.81	\$782,583,019	\$706,151,426
NM	5,409,008	74,285	22,657	251	8,133	1,888	10,021	12,636	55.77	\$463,756,069	\$436,470,275
UT	1,161,460	6,833	2,084	42	712	209	921	1,163	55.81	\$32,873,893	\$63,566,020
NONN**	0			41	265	13	278	(278)		\$6,642,887	\$259,027
	17,553,559	204,698	62,433	817	26,306	4,584	30,890	31,543	50.52	\$1,285,855,868	\$1,206,446,748

Annual Population Growth Rate has been assumed to be 1.0181 % from 2006 to 2007.

L.F. has been estimated at 30.5% of the total population

*Includes various Navajo Nation Government offices including Chapter houses.

**NONN: Not on the Navajo Nation.

Source: Support Services Department, Division of Economic Development. The Navajo Nation.



Table 29C: Summary Data by Agencies

12/31/2007

Ag.	Land Area (in acres)	Population in 2007	Labor Force	# of Empls*.	EMPLOYMENT			Total Unempl'd	Unempl. Rate	Sal. & Ben.	Gross Sales
					Nav.	n-Nav.	Total				
NONN	0		0	41	265	13	278	-	-	\$6,642,887	\$259,027
CH	1,881,685	32,319	9,857	129	4,721	657	5,378	4,479	45.44	\$238,528,509	\$248,890,600
EN	3,363,520	40,286	12,287	107	3,105	812	3,917	8,370	68.12	\$143,747,183	\$47,799,624
FD	3,523,963	53,552	16,333	196	7,726	876	8,602	7,731	47.33	\$316,716,831	\$311,232,756
SR	2,726,438	35,145	10,719	167	5,373	1,201	6,574	4,145	38.67	\$335,637,985	\$446,515,456
WN	6,057,954	43,396	13,236	177	5,116	1,025	6,141	7,095	53.60	\$244,582,473	\$151,749,285
	17,553,559	204,698	62,433	817	26,306	4,584	30,890	31,543	50.52	\$1,285,855,868	\$1,206,446,748

Annual Population Growth Rate has been assumed to be 1.81 % from 2006 to 2007.

L.F. has been estimated at 30.5% of the total population

*Includes various Navajo Nation Government offices including Chapter houses.

NONN: Not on the Navajo Nation.

Source: Support Services Department, Division of Economic Development, Navajo Nation.



Table 29D: Summary Data by Counties

12/31/2007

County	Land Area (in acres)	2007	Labor Force	# of Empls*.	EMPLOYMENT			Total Unempl'd	Unempl. Rate	Salary & Benefits	Gross Sales
					Nav.	n-Nav.	Total				
NONN				41	265	13	278	-	-	\$6,642,887	\$259,027
Apache	4,530,181	68,388	20,858	285	10,754	1,317	12,071	8,787	42	479,675,262	415,591,341
Bernalillo	77,965	1,871	571	6	171	171	342	229	40	18,253,104	18,590,673
Cibola	167,656	1,901	580	10	251	123	374	206	35	12,323,562	325,742
Coconino	3,775,830	26,826	8,182	101	3,419	788	4,207	3,975	49	182,819,910	83,610,967
McKinley	2,237,687	33,240	10,138	94	2,758	520	3,278	6,860	68	113,998,047	34,441,410
Navajo	2,677,080	28,367	8,652	98	3,047	377	3,424	5,228	60	121,908,997	207,526,918
San Juan - NM	2,567,807	30,903	9,425	129	4,533	972	5,505	3,920	42	300,961,606	382,534,650
San Juan - UT	1,161,460	6,833	2,084	44	730	209	939	1,145	55	33,257,254	63,566,020
Sandoval	292,865	4,020	1,226	6	121	22	143	1,083	88	5,223,266	0
Socorro	65,028	2,350	717	3	257	72	329	388	54	10,791,973	0
	17,553,559	204,698	62,433	817	26,306	4,584	30,890	31,543	51	1,285,855,868	1,206,446,748

Annual Population Growth Rate has been assumed to be 1.81 % from 2006 to 2007.

L.F. has been estimated at 30.5% of the total population

*Includes various Navajo Nation Government offices including Chapter houses.

***NONN: Not on the Navajo Nation.

Source: Support Services Department, Division of Economic Development, Navajo Nation.



Table 29E: Calculation of Total Personal Income on the Navajo Nation

Type of Income	Number of Households	Mean Income	Total Income
Wage & Salary Income	27,975	\$43,702	\$1,222,563,450
Social Security Income	11,449	\$9,854	\$112,818,446
Retirement Income	5,362	\$11,317	\$60,681,754
Supplemental Security Income	6,802	\$7,301	\$49,661,402
Cash Public Assistance	3,124	\$3,251	\$10,156,124
Food Stamp benefits in the past 12 months*	8,291	\$3,192	\$26,464,872
Self-employment Income**			\$23,454,300
Total:			\$1,505,800,348

* According to January 2009 Issue of the Monthly Statistical Report published by the Human Services Department of the State of New Mexico, total caseloads in the month of Dec, 2008 was 109,069 and total payment was \$29,002,698.0. Thus, average payment was $\$29,002,698.0 / 109,069 = \266.0 . Thus annual payment per case was $\$3,192.0$

** 2007 ACS does not have Self-employment Income. Figure here has been used from 2006 ACS.

Source: ACS 2007



Table 30: Occupancy Rate & Sales Revenues
Navajo Nation Shopping Centers

Shopping Center	2006 Sales	2007 Sales	Area (Sq. Ft.)			
			Gross	Occupied	Vacant	% Occupied
Window Rock Shopping Center	471,031.29	186,374.36	103,384	95,260	8,124	92%
Tuba City Shopping Center	140,139.07	122,605.88	62,531	61,531	1,000	98%
Kayenta Shopping Center	76,387.59	51,745.28	81,567	78,887	2,680	97%
Shiprock Shopping Center	57,956.10	5,294.14	91,454	90,654	800	99%
Crownpoint Shopping Center	4,448.31	3,250.59	43,838	43,838	-	100%
St. Michaels Shopping Center	26,842.76	24,978.03	53,350	48,542	4,808	91%
Navajo Pine Shopping Center	-	-	18,000	18,000	-	100%
Pinehill Shopping Center	-	7,652.54	12,000	10,000	2,000	83%
Pinon Shopping Center	76,316.55	10,292.89	45,425	45,425	-	100%
Dilkon Shopping Center	-	2,150.53	26,170	24,170	2,000	96%
TOTAL:	853,121.67	414,344.24	537,719.00	516,307	21,412	96%

Source: Navajo Nation Shopping Centers



Table 31: Large Employers on the Navajo Nation
12/31/2007

Name of the Employer	Number of Sites	Employment			Total Annual Sal. & Ben
		Navajo	n-Nav.	Total	
Navajo Government	181	7,175	141	7,316	\$ 209,594,999
State of Arizona*	65	2,602	815	3,417	\$ 131,277,427
Navajo Area Indian Health Services	19	2,769	719	3,488	\$ 253,679,331
BIA - Office of Indian Education Program	48	2,328	522	2,850	\$ 110,941,189
State of New Mexico*	31	619	713	1,332	\$ 54,861,823
Four Corners Power Plant	1	452	152	604	\$ 71,004,000
Navajo Generating Station	1	379	130	509	\$ 61,283,522
Navajo Tribal Utility Authority	6	472	10	482	\$ 21,320,108
Navajo Engineering & Construction Authority**	1	429	4	433	\$ 18,646,579
Navajo Housing Authority	16	407	24	431	\$ 11,921,988
Navajo School Board Alamo Community School	1	260	60	320	\$ 8,500,406
Bureau of Indian Affairs	24	316	20	336	\$ 16,163,934
Basha's	7	350	5	355	\$ 11,388,682
Navajo Mine	1	371	56	427	\$ 46,000,000
Pinon Unified School District No. 4	1	223	69	292	\$ 8,759,555
The Pittsburg & Midway Coal Mining Company***	1	260	22	282	\$ 22,568,700
Ramah Navajo School Board	1	167	54	221	\$ 7,947,615
Grey Hills Academy High School	1	143	17	160	\$ 5,000,000
Dine' College	8	191	45	236	\$ 8,500,239
Rough Rock Community School Board and Clinic	1	334	30	364	\$ 6,043,520
Kayenta Community School, K-8	1	99	4	103	\$ 5,089,479
Navajo Agricultural Products Industry - NAPI**	1	222	5	227	\$ 6,661,984
Sage Memorial Hospital, Inc.***	1	172	39	211	\$ 8,946,120
Shonto Preparatory School	1	146	23	169	\$ 8,128,630
Rock Point Community School Board	1	106	7	113	\$ 4,264,778
Tohatchi Area of Opportunity Services, Inc.	1	77	3	80	\$ 2,014,707
Cedar Unified Schools	1	63	2	65	\$ 4,452,603
St. Michaels Association for Special Education	1	134	9	143	\$ 3,646,713
Montezuma Creek Health Center	1	93	45	138	\$ 6,628,005
Crownpoint Institute of Technology***	1	132	38	170	\$ 5,648,600
Raytheon Missile Systems Company - NAPI	1	126	12	138	\$ 4,966,267
Shiprock Alternative Schools, Inc.	1	92	24	116	\$ 5,796,200
Lukachukai Community School	1	89	1	90	\$ 3,912,693

* Schools are the majority of the employers in this category.

**These are seasonal businesses. During peak period, they employ very large number of people.

*** Either partial or incomplete data were provided.

****The following employers are considered "large employers"; however, they did not give permission to publish their individual data.

Goulding's Enterprises	Thunderbird Lodge
PC & M Construction Company	City Market #2
Navajo Security Company	Peabody Western Coal Company
Cameron Trading Post	

Note 1: Employment figures are for December 31, 2007. Total salary and benefit figures are for the entire year of 2007.

Note 2: Only those employers have been included in which have at least 100 employees and whose annual salary & benefits exceed \$1,000,000.0.

Source: Support Services Department, Division of Economic Development



Table 32: Tribal Enterprises, Corporations and Authorities
Owned 100% by the Navajo Nation

Tribal Entity and NAICS Code	Contact Person	E-Mail
Navajo Tribal Utility Authority NAICS Code 221122	Walter W. Haase, PE, Gen. Mgr. P.O. Box 170 Fort Defiance, AZ 86504 Tel: (928) 729-5721, 6202 Fax: (928) 729-2135	generamanager@ntua.com
Navajo Agricultural Products Industry NAICS Code 111211	Tsosie Lewis, General Manager PO Drawer 1318 Farmington, NM 87499 Tel: (505) 327-5251 Fax: (505) 326-3152	
Navajo Fine Jewelry and Collectables NAICS Code 453220	Barbara McGough, CEO PO Box 160 Window Rock, AZ 86515 Tel: (928) 871-4090 Fax: (928) 871-3340	fenessa_davish@navajoartscrafts.com
Navajo Nation Hospitality Enterprise NAICS Code 721110	Ms. Christine J Benally, Gen. Mgr. PO Box 2340 Window Rock, AZ 86515 Tel: (928) 871-4108	gm.az236@choicehotels.com
KTNN Radio Station NAICS Code 515112	Mr. Troy Little, General Manager P. O. Box 2569 Window Rock, AZ 86515 Tel: (928) 871-2582 Fax: (928) 871-3479	troylittle@ktnnonline.com
Dine' Power Authority NAICS Code 221121	Steve Begay, General Manager P. O. Box 3239 Window Rock, AZ 86515 Tel: (928) 871-2133 Fax: (928) 871-4046	dpasteve@citolink.net
Navajo Nation Oil & Gas Company, Inc. NAICS Code 447110	Wilson Groen, General Manager PO Box 4439 Window Rock, AZ 86515 Tel: (928) 871-4880 Fax: (928) 871-4882	wgroen@nnogc.com
Navajo Nation Shopping Centers NAICS Code 531120	P. O. Box 478 Window Rock, AZ 86515 Tel: (928) 871-2218/19 Fax: (928) 871-4217	



(Continue)

Tribal Entity and NAICS Code	Contact Person	E-Mail
The Navajo Times Publishing Co. NAICS Code 511110	Tom Arviso, Publisher P. O. Box 310 Window Rock, AZ 86515 Tel: (928) 871-6641 Fax: (928) 871-6409	tarviso@navajotimes.com
Navajo Engineering & Construction Authority NAICS Code 237310	Cary Patterson, General Manager P. O. Box 969 Shiprock, NM 87420 Tel: (505) 368-5151 Fax: (505) 368-3013	cary@navajo.net
Navajo Housing Authority NAICS Code 236115	Aneva J Yazzie, General Manager P. O. Box 4980 Window Rock, AZ 86515 Tel: (928) 871-2600 Fax: (928) 871-2604	ajyazzie@hooghan.org
Dine' Development Corporation NAICS Code 551112	PO Box 663 Window Rock, AZ 86515 Tel: (505) 371-5538 Fax: 928-871-7381	
Nova Corporation* NAICS Code 541512	Nova Wertz, President/CEO PO Box 687 Window Rock, AZ 86515 Tel: 928-871-5617 Fax: 928-871-2114	john.snider@nova-dine.com

*100% owned Subsidiary of Dine' Development Corporation, which is owned 100% by Navajo Nation.

Note: Nova Corporation is the only entity, which is SBA 8(a) BD certified.

Source: Support Services Department, Division of Economic Development.



Table 33A: Lodging Facilities on the Navajo Nation

Name of the Hotel	Location	Number of Hotel Rooms
Best Western Chinle dba: Canyon De Chelly Motel, Inc.	Chinle, AZ	104
Thunderbird Lodge Chinle	Chinle, AZ	74
Holiday Inn - Chinle	Chinle, AZ	108
Hampton Inn, Kayenta	Kayenta, AZ	73
Wetherill Inn Motel Kayenta	Kayenta, AZ	54
Holiday Inn - Kayenta	Kayenta, AZ	163
Anasazi Inn	Kayenta, AZ	58
Navajoland Days Inn & Navajoland Denny's	St. Michaels, AZ	70
Greyhills Inn	Tuba City, AZ	32
Quality Inn - Navajo Nation	Tuba City, AZ	80
Quality Inn - Navajo Nation Capital	Window Rock, AZ	56
Many Farms Inn	Many Farms, AZ	32
Dine' Inn Motel	Tuba City, AZ	21
Total:		925

Source: Department of Tourism, Division of Economic Development, The Navajo Nation.

**Table 33B: Number of Hotels in towns that Border the Navajo Nation**

Name of Border towns	Number of Lodging Properties	Number of Rooms
Flagstaff, AZ	70	4936*
Winslow, AZ	13	700
Holbrook, AZ	20 (including 3 RV parks)	1,082
Page, AZ	28 (including 2 B&B and 2 RV parks)	1,500
Fredonia, AZ		55
Gallup, NM	40	2,200
Farmington, NM	33 (including 3 B&B)	1,800
Kanab, UT	25 (including 7 B&B)	797
Grants, NM	20	1,000
Williams, AZ	44 (including 7 B&B and 6 RV parks)	1,512
Tusayan	8	1,187
Gran Canyon NP	7	924

Source: Arizona Hospitality Research and Resource Center, Northern Arizona University

**Table 34: Number of Customers of the Navajo Utility Authority**

The Navajo Nation			
	Total	Residential	Commercial
Electric	35,861	34,547	1,314
Natural Gas	6,870	6,659	211
Water	33,702	33,259	443
Waste Water	12,544	12,250	294
Photovoltaic	90	90	-
Total	89,067	86,805	2,262

Kayenta (includes Tuba City)			
	Total	Residential	Commercial
Electric	5,890	5,688	202
Natural Gas	-	-	-
Water	5,655	5,546	109
Waste Water	2,926	2,843	83
Photovoltaic	33	33	-
Total	14,504	14,110	394

Dilkon			
	Total	Residential	Commercial
Electric	4,163	4,045	118
Natural Gas	645	627	18
Water	2,749	2,718	31
Waste Water	1,014	995	19
Photovoltaic	10	10	-
Total	8,581	8,395	186

Chinle			
	Total	Residential	Commercial
Electric	9,387	9,135	252
Natural Gas	1,434	1,387	47
Water	5,719	5,660	59
Waste Water	1,859	1,818	41
Photovoltaic	27	27	0
Total	18,426	18,027	399

Shiprock			
	Total	Residential	Commercial
Electric	7,509	7,293	216
Natural Gas	1,846	1,774	72
Water	7,884	7,757	127
Waste Water	2,369	2,296	73
Photovoltaic	7	7	-
Total	19,615	19,127	488



(Continue)

Fort Defiance (includes Crownpoint)

	Total	Residential	Commercial
Electric	8,912	8,386	526
Natural Gas	2,945	2,871	74
Water	11,695	11,578	117
Waste Water	4,376	4,298	78
Photovoltaic	13	13	-
Total	27,941	27,146	795

Source: Navajo Tribal Utility Authority



Table 35: 2007 Sales Revenue of NTUA

Office	Electric	Gas	Water	Waste Water	Total
Kayenta	\$6,752,221	-	\$3,536,415	\$1,097,326	\$11,385,962
Dilkon	\$3,011,880	\$1,065,382	\$849,179	\$224,514	\$5,150,955
Chinle	\$10,658,790	\$2,482,020	\$2,497,354	\$665,918	\$16,304,082
Shiprock	\$ 7,934,981	\$3,398,137	\$3,365,376	\$597,935	\$15,296,429
Fort Defiance	\$23,393,149	\$6,601,489	\$4,524,414	\$1,150,389	\$35,669,441
TOTAL:	\$51,751,021	\$13,547,028	\$14,772,738	\$3,736,082	\$3,806,869

Source: Navajo Tribal Utility Authority



Table 36: Percent Distribution of Civilian Employment
U.S. Concept by Economic Sector, 1960-2007

Year	United States	Canada	Australia	Japan	France	Germany	Italy	Netherlands	Sweden	United Kingdom
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Civilian Employment

Percent	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
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Agriculture (1)

2005	1.6	2.7	0.5	4.2	3.5	2.4*	4.2	3.3	2.3*	1.4
2006	1.5	2.6	3.5	4.1	3.4	2.3	4.3	3.3	2.2	1.3
2007	1.4	2.5	3.4	4.1	NA	NA	4.0	3.1	2.2	NA

Manufacturing, Mining, and Construction (2)

2005	19.9	21.3	20.6	27.1	21.7	29.1*	30.4	20.0	21.4*	21.6
2006	19.9	20.8	20.7	27.1	22.0	29.0	29.8	19.7	21.4	21.5
2007	19.8	20.4	20.7	27.0	NA	NA	29.9	19.6	21.1	NA

Manufacturing

2005	11.5	13.6	10.8	18.1	15.4	22.2*	21.6	13.7	15.3*	13.3
2006	11.3	12.8	10.4	18.3	15.0	22.0	21.2	13.3	15.0	13.0
2007	11.2	12.1	10.3	18.3	NA	NA	21.2	13.2	14.6	NA

NA = Not Available

*Indicates a break in series. See section on breaks in the "Country notes" for more information.

(1) Agriculture, forestry, hunting and fishing

(2) Manufacturing, mining and construction

Source: Bureau of Labor Statistics

**Table 37: BIDF Lending Activities**

31-Jul-08

Loan Program	Awarded to Date		Outstanding	
	Number of Loans	Loan Amount	Number of Loans	Loan Amount
CIT* BIDF Loans	29	\$ 14,493,624	10	\$ 5,054,164
Small BIDF Loans	109	\$ 7,532,373	60	\$ 3,200,494
Micro-Enterprise Loan	142	\$ 532,146	57	\$ 195,596
TOTAL	280	\$ 22,558,143	127	\$ 8,450,254

Note: Adjustments and reclassifications have been made to these loan programs that may not be reflected in previous publications of the CEDS.

* Commercial, Industrial and Tourism.

Source: Support Services Department, Division of Economic Development



Table 38: Labor Cost Comparison

Median Hourly Wage by Occupation Title	The Navajo Nation		Albuquerque		San Jose		San Diego		Dallas		Seattle	
Electrical & electronic equipment assemblers	\$7.38	\$100.00	\$9.84	\$ 133.33	\$13.22	\$ 179.13	\$10.40	\$140.92	\$9.55	\$129.40	\$11.12	\$150.68
Team assemblers	\$7.38	\$100.00	\$10.95	\$ 148.37	\$12.20	\$ 165.31	\$9.14	\$123.85	\$9.50	\$128.73	\$11.89	\$161.11
Electrical & electronic engineering technicians	\$9.18	\$100.00	\$19.91	\$ 216.88	\$23.67	\$ 257.84	\$20.04	\$218.30	\$21.64	\$235.73	\$23.94	\$260.78
Inspectors, testers, sorters, samplers & tenders	\$8.37	\$100.00	\$14.11	\$ 168.58	\$14.61	\$ 174.55	\$13.26	\$158.42	\$12.45	\$148.75	\$15.08	\$180.17
Computer-controlled machine top operators, metal & plastic	\$7.47	\$100.00	\$12.58	\$ 168.41	\$15.84	\$ 212.05	\$11.32	\$151.54	\$11.03	\$147.66	\$14.86	\$198.93
Shipping, receiving & traffic clerks	\$10.50	\$100.00	\$9.93	\$ 94.57	\$13.90	\$ 132.38	\$10.71	\$102.00	\$10.63	\$101.24	\$13.29	\$126.57

Source: For the Navajo Nation - Support Services Department, Division of Economic Development
For Others - United States Department of Labor, Bureau of Labor Statistics



Table 39: Overall Navajo Nation IRR Road Systems (in miles)

Agency	BIA		Tribal	State	County	BIA	Other Agency	Others	TOTAL
	Total	Paved							
Shiprock	1202.0	70.7	9.1	254.2	156.8	2.6	0.0	26.0	1721.4
Western	1405.2	452.2	19.5	499.1	114.3	23.2	2.0	6.2	2521.7
Eastern	694.7	0	5.9	508.4	1072.0	0.0	19.7	109.5	2410.2
Chinle	1040.4	61.9	40.6	61.9	307.2	12.6	18.8	0.6	1544
Ft. Defiance	1453.4	195.6	1.5	250.1	50.2	0.0	0.0	0.0	1950.8
NIIP	307.9	0	0.0	50.0	24.5	0.0	0.0	2.2	384.6
New Lands	83.4	34.7	0.0	34.7	0.0	0.0	0.0	6.5	159.3
Total:	6187.0	815.1	76.6	1658.4	1725.0	38.4	40.5	151.0	10692.0

Source: Department of Transportation, Navajo Nation.



Table 40: Time Required to Start a Business in Various Countries

Regions	No. of Procedures	No. of days
OECD		
Australia	2	2
Denmark	4	4
N. Zealand	2	12
Sweden	3	16
United Kingdom	6	18
United States	5	5
AFRICA		
Angola	14	146
Ethiopia	7	32
Malawi	10	35
Nigeria	10	44
S.Africa	9	38
Uganda	17	36
Zimbabwe	10	96
ASIA		
Cambodia	11	94
Hong Kong, China	5	11
India	11	89
Malaysia	9	30
Singapore	7	8
Thailand	8	33
Vietnam	11	56
LATIN AMERICA		
Argentina	15	32
Bolivia	15	59
Brazil	17	152
Chile	9	27
Costa Rica	11	77
Peru	10	98
TRANS ECON.		
Belarus	16	79
Poland	10	31
Russia	9	36
Uzbekistan	9	35
The Navajo Nation	At Least 13	3 years

Source: World Bank and International Finance Corporation, Doing Business in 2005, Oxford University Press.

Note: The Navajo Nation numbers are from our own experience



Table 41: Performance of the RBDO's

RBDO's	Activities		2000	2001	2002	2003	2004	2005	2006	2007
Ft. Defiance	Small Business Loans Approved	Number	1	4	1	0	0	1	1 (pvt. Loan	0
		Amount						\$150,000.0	\$150,000.0	0
	Micro Loans Approved**	Number	9	3	5	3	1	2	0	0
		Amount				\$12,500.0	\$2,500.0	\$10,500.0	0	0
	Leases Approved		5	1	3	6	1	3	5	1
	Leases Modified		1	2	1	0	2	1	4	1
	Leases Terminated		4	1	2	0	1	2	1	0
	Professional Service Contracts Approved		7	3	19					
	Public Trainings		8	8	7	17	57	9	12	13
Shiprock	Small Business Loans Approved	Number				0	0	0	NA	NA
		Amount				0	0	0	NA	NA
	Micro Loans Approved	Number	6	3	1	1	0	0	NA	NA
		Amount				\$2,500.0	0	0	NA	NA
	Leases Approved		3	2	3	4	7	2	NA	NA
	Leases Modified		6	2	4	3	4	3	NA	NA
	Leases Terminated			3	0	2	3	2	NA	NA
	Professional Service Contracts Approved			1					NA	NA
	Public Trainings					22	22	21	NA	NA
Tuba City	Small Business Loans Approved	Number			1	1	0	1	0	1
		Amount				\$100,000.0	0	\$72,500.0	0	\$10,700.0
	Micro Loans Approved	Number	2	1	1	1	2	3	2	0
		Amount				\$900.0	\$3,750.0	\$6,000.0	\$16,750.0	0
	Leases Approved		1	1	4	7	7	1	10	7***
	Leases Modified		7	9	1	1	1	2	1	5
	Leases Terminated		1	3	2	0	0	1	3	0
	Professional Service Contracts Approved		3	3	1					
	Public Trainings					6	13	11	12	11



(Continue)

RBDO's	Activities		2000	2001	2002	2003	2004	2005	2006	2007
Chinle	Small Business Loans Approved	Number	1		1	1			NA	NA
		Amount				\$92,000.0			NA	NA
	Micro Loans Approved	Number		2	2		5	2	NA	NA
		Amount					\$11,000.0	\$5,000.0	NA	NA
	Leases Approved		2	3	1		1		NA	NA
	Leases Modified			2	3	1			NA	NA
	Leases Terminated		5	1	2	1			NA	NA
	Professional Service Contracts Approved								NA	NA
	Public Trainings					23	43	29	NA	NA
Eastern*	Small Business Loans Approved		1		2	N. A.	N. A.	N. A.	NA	NA
						N. A.	N. A.	N. A.	NA	NA
	Micro Loans Approved	Number				N. A.	N. A.	N. A.	NA	NA
		Amount				N. A.	N. A.	N. A.	NA	NA
	Leases Approved					N. A.	N. A.	N. A.	NA	NA
	Leases Modified			1		N. A.	N. A.	N. A.	NA	NA
	Leases Terminated		1			N. A.	N. A.	N. A.	NA	NA
	Professional Service Contracts Approved		2		1	N. A.	N. A.	N. A.	NA	NA
	Public Trainings					N. A.	N. A.	N. A.	NA	NA
Aneth*	Small Business Loans Approved	Number				N. A.	N. A.	N. A.	NA	NA
		Number				N. A.	N. A.	N. A.	NA	NA
	Micro Loans Approved	Amount	1		1	N. A.	N. A.	N. A.	NA	NA
		Amount				N. A.	N. A.	N. A.	NA	NA
	Leases Approved (land withdrawal)			1		N. A.	N. A.	N. A.	NA	NA
	Leases Modified					N. A.	N. A.	N. A.	NA	NA
	Leases Terminated					N. A.	N. A.	N. A.	NA	NA
	Professional Service Contracts Approved					N. A.	N. A.	N. A.	NA	NA
	Public Trainings					N. A.	N. A.	N. A.	NA	NA



(Continue)

RBDO's	Activities		2000	2001	2002	2003	2004	2005	2006	2007
Whippoorwill*	Small Business Loans Approved	Number				0	0	0	NA	NA
		Amount							NA	NA
	Micro Loans Approved	Number				1	0	1	NA	NA
		Amount				\$5,000.0	\$ -	\$7,000.0	NA	NA
	Leases Approved				1	2	2	1	NA	NA
	Leases Modified					0	0	0	NA	NA
	Leases Terminated					2	1	2	NA	NA
	Professional Service Contracts Approved		1	1					NA	NA
	Public Trainings					10	13	11	NA	NA

* These RBDOs were opened at the beginning of Fiscal Year 2000.

** Includes outside loans and grants - loan to Sandia from First Bank of Phoenix, Navajo Nation BIDE grant and USDA grant to Indian Market Place.

*** Includes 3 Permits.

N.A. No activity reported.

Source: Various RBDO's, Division of Economic Development



Table 42: Chapters Under Different RBDs

	ANETH	CHINLE	EASTERN	FT. DEFIANCE	SHIPROCK	WESTERN	WHIPPOORWILL
1	Aneth	Chinle	Alamo	Cornfields	Beclabeto	Birdsprings	Black Mesa
2	Dennehotso	Lukachukai	Baca	Coyote Canyon	Burnham	Cameron	Blue Gap/Tachee
3	Mexican Water	Many Farms	Becenti	Crystal	Counselor	Chilchinbeto	Dilkon
4	Oljato	Nazlini	Bread Springs	Ft. Defiance	Cove	Coalmine Mesa	Forest Lake
5	Red Mesa	Rock Point	Canoncito	Ganado	Cudeii	Coppermine	Hard Rock
6	Sweetwater	Rough Rock	Casamero Lake	Houck	Hogback	Gap/Bodaway	Indian Wells
7	Teec Nos Pos	Round Rock	Chichiltah	Kinlichee	Huerfano	Inscription House	Jeddito
8		Tsaile/Wheatfields	Church Rock	Klagetoh	Nageezi	Kaibeto	Low Mountain
9		Tselani/Cottonwood	Crownpoint	Lower Greasewood	Nenahnezad	Kayenta	Pinon
10			Iyanbito	Lupton	Newcomb	LeChee	Teestoh
11			Lake Valley	Mexican Springs	Red Valley	Leupp	Whippoorwill
12			Little Water	Nahata Dziil	San Juan	Navajo Mountain	White Cone
13			Manuelito	Naschitti	Sanostee	Shonto	
14			Mariano Lake	Oak Springs	Sheep Springs	Tolani Lake	
15			Nahodishgish	Red Lake	Shiprock	Tonalea	
16			Ojo Encino	Sawmill	Two Greyhills	Tuba City	
17			Pinedale	St. Michaels	Upper Fruitland		
18			Pueblo Pintado	Steamboat			
19			Ramah	Tohatchi			
20			Red Rock	Twin Lakes			
21			Rock Springs	Wide Ruins			
22			Smith Lake				
23			Standing Rock				
24			Thoreau				
25			Torreón				
26			Tsayatoh				
27			White Horse Lake				
28			White rock				
Total	7	9	28	21	17	16	12

Source: Division of Economic Development



Table 43: Student Enrollment at Dine' College by Headcount
(Academic Years 1968 thru 2008)

ACADEMIC YEAR	FALL	SPRING	SUMMER	TOTAL
1968 - 1969	-	301	-	301
1969 - 1970	311	453	-	764
1970 - 1971	498	438	-	936
1971 - 1972	495	523	-	1,018
1972 - 1973	563	387	-	950
1973 - 1974	412	677	-	1,089
1974 - 1975	736	1,014	-	1,750
1975 - 1976	1,099	1,177	-	2,276
1976 - 1977	1,500	1,700	-	3,200
1977 - 1978	944	990	768	2,702
1978 - 1979	1,097	1,776	-	2,873
1979 - 1980	1,609	2,222	-	3,831
1980 - 1981	2,074	2,744	-	4,818
1981 - 1982	1,221	1,991	-	3,212
1982 - 1983	1,419	1,747	-	3,166
1983 - 1984	1,356	2,077	277	3,710
1984 - 1985	1,801	1,878	443	4,122
1985 - 1986	1,228	1,790	428	3,446
1986 - 1987	1,638	1,918	784	4,340
1987 - 1988	1,726	1,805	630	4,161
1988 - 1989	1,405	1,523	832	3,760
1989 - 1990	1,339	1,923	1,018	4,280
1990 - 1991	1,611	1,962	1,253	4,826
1991 - 1992	1,601	1,902	1,133	4,636
1992 - 1993	1,804	1,912	1,283	4,999
1993 - 1994	2,165	2,395	1,214	5,774
1994 - 1995	2,019	2,127	1,022	5,168
1995 - 1996	1,767	2,041	1,284	5,092
1996 - 1997	1,718	1,861	1,148	4,727
1997 - 1998	1,740	2,047	1,002	4,789
1998 - 1999	1,893	1,989	1,003	4,885



(Continue)

ACADEMIC YEAR	FALL	SPRING	SUMMER	TOTAL
1999 - 2000	1,870	2,130	910	4,910
2000-2001	1,793	1,977	816	4,586
2001-2002	1,725	1,835	866	4,426
2002 - 2003	1,726	1,836	1,046	4,608
2003-2004	1,906	2,074	1,011	4,991
2004-2005	2,001	1,907	903	4,811
2005-2006	1,855	1,789	740	4,384
2006-2007	1,717	1,707	777	4,201
2007-2008	1,681	1,618	*	3,299
Total	57,063	66,163	22,591	145,817

*Data not yet available

Source: Admissions & Records Office and Office of the Registrar, Dine College, Tsaile



Table 44: Dine' College Graduation by Site (1995-2008)

CAMPUS	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Tsaile Campus	69	58	38	28	37	30	42	44	35	70	44	55	63	54
Shiprock Campus	24	33	22	31	25	27	20	20	20	18	22	24	21	16
Chinle Center	14	14	26	18	22	30	22	16	17	25	27	28	10	27
Ganado Center	10	15	9	3	5	11	13	11	9	11	15	18	10	11
Kayenta Center	0	0	0	0	0	1	0	10	11	12	15	17	13	7
Tuba City Center	32	25	21	29	25	23	12	8	13	36	47	40	29	39
Window Rock Center	12	20	11	24	13	16	21	26	11	18	18	15	22	11
Crownpoint Center	6	15	10	13	4	4	5	9	8	14	8	14	24	12
TOTALS:	167	180	137	146	131	142	135	144	124	204	196	211	192	177

Source: Office of Admissions and Records & Office of the Registrar. Dine' College, Tsaile, AZ



Table 45: School Enrollment and Drop Out Rate
For Selected Schools on the Navajo Nation in 2005

School	Enrollment	Dropout Rate
Alamo Navajo School	309	38.30%
Leupp Boarding School	285	5.00%
Many Farms High School	480	10.42%
Rock Point Community School	430	2.04%
Rough Rock Community School	559	22.76%
Shiprock Northwest (Alternative) High	178	3.93%
To'hajiilee (Canoncito)	342	12.79%
Wingate High School	734	13.22%

Source: Division of Dine Education, Navajo Nation



Table 46: Event Dropout* Rates
(15 thru 24-year-olds who dropped out of grade 10-12)

Characteristics	Event Dropout Rate (%)	Number of Event Dropout (Thousands)	Population Enrolled (Thousands)
Total	3.8	407	10849
Male	4.1	227	5472
Female	3.4	180	5377
White, non-Hispanic	2.9	200	6826
Black, non-Hispanic	3.8	57	1488
Hispanic	7	124	1763
Asian Pacific Islander, non-Hispanic	4.1	19	457
More than One Race	3.1	8	260

Status Dropout Rates of 16 -thru 24-year-olds**

Characteristics	Status Dropout Rate (%)	Number of Status Dropout (Thousands)	Population Enrolled (Thousands)
Total	9.3	3,462	37,047
Male	10.3	1,935	18,707
Female	8.3	1,527	18,340
White, non-Hispanic	5.8	1,337	22,863
Black, non-Hispanic	10.7	565	5,260
Hispanic	22.1	1,421	6,439
Asian Pacific Islander, non-Hispanic	3.6	56	1,549
More than One Race	7.0	49	703

* The event dropout rate indicates the percentage of youth ages 15 through 24 who dropped out of grades 10-12 between one October and the next.

** The status dropout rate indicates the percentage of 16- through 24-year-olds who are not enrolled in high schools and who lack a high school credential.

Source: National Center for Educational Research, U.S. Department of Education



Table 47A: Scholarship Related Data
CY 2007

Total Number of Students Requesting Awards	9,283
Total Number of Students Receiving Awards	5,984
Total Number of Students Awarded from Navajo Nation General Funds and Trust Funds, Corporate Funds, and Private Donation	2,369
Total Number of Students Awarded from Federal Funds	3,615
Total Amount Awarded using Navajo Nation General Funds and Trust Funds, Corporate Funds, and Private Donation	\$4,730,661.0
Total Amount Awarded using Federal Funds	\$8,884,759.0
Grand Total from all Sources	\$13,615,420.0
Total Amount of Federal funds Awarded to Need-Based Students	\$5,555,325.0
Total Amount of Federal funds Awarded to No-Need-Based Students	\$3,329,435.0
Percentage of Federal Funds Awarded to Chief Manuelito Scholars	30.46%
Ratio of Federal Funds Awarded to Chief Manuelito Scholars to Grand Total	19.88%

Source: Department of Dine' Education



Table 47B: Scholarship Related Data
CY 2007

Description	Chinle	Eastern	Ft. Defiance	Shiprock	Western	Total
Number of Need Based Students Awarded from Federal Funds	417	495	628	492	520	2552
Amount of Federal Funds Used for Need Based Students.	\$894,896.0	\$983,956.0	\$1,427,036.0	\$1,123,412.0	\$1,126,075.0	\$5,555,375.0
Number of Need Based Students Awarded from Other Funds	88	65	61	101	101	416
Amount of Other Funds Used for NB Need Based Students	\$154,198.0	\$107,786.0	\$110,724.0	\$195,350.0	\$197,014.0	\$765,072.0

Number of No Need Based Students Awarded from Federal Funds	162	132	374	196	199	1063
Amount of Federal Funds Used for No Need Based Students.	\$431,083.0	\$384,000.0	\$1,184,584.0	\$606,747.0	\$723,020.0	\$3,329,434.0
Number of No Need Based Students Awarded from Other Funds	246	395	423	510	347	1921
Amount of Other Funds Used for No Need Based Students	\$475,501.0	\$719,273.0	\$1,041,449.0	\$962,310.0	\$629,370.0	\$3,827,903.0

Number of No-Need Students Awarded from Corporate Funds	162	132	374	196	199	1063
Amount of Corporate Funds Used for No-Need Students.	\$431,083.0	\$384,000.0	\$1,184,584.0	\$606,747.0	\$723,020.0	\$3,329,434.0

Number of Chief Manuelito Scholars Awarded from Federal Funds	95	85	179	137	149	645
Amount of Federal Funds Used for Chief Manuelito Scholars						

Number of No Need Based Students Awarded from Other Funds	39	50	27	43	12	171
Amount of Other Funds Used for No Need Based Students	\$134,655.0	\$175,000.0	\$94,500.0	\$152,834.0	\$43,166.0	\$600,155.0

Source: Department of Dine' Education



Table 48A: School Enrollment in the USA by Race

Description	White		Black		AIAN		ASIANS		NHPI		Some Other Race	
	Estimate	Percent	Estimate	Percent	Estimate	Percent	Estimate	Percent	Estimate	Percent	Estimate	Percent
Total Population 3 years and over:	214,871,948	100.00	35,590,388	100.00	2,261,764	100.00	12,738,337	100.00	417,206	100.00	17,585,904	100.00
Enrolled in school:	54,477,499	25.35	11,835,999	33.26	689,152	30.47	3,746,864	29.41	125,538	30.09	5,651,836	32.14
Enrolled in nursery school, kindergarten	6,072,715	2.83	1,314,674	3.69	74,999	3.32	375,797	2.95	10,781	2.58	669,567	3.81
Enrolled in grade 1 to grade 8	21,809,800	10.15	4,787,360	13.45	290,640	12.85	1,259,708	9.89	50,011	11.99	2,656,936	15.11
Enrolled in grade 9 to grade 12	11,832,058	5.51	2,832,170	7.96	173,858	7.69	677,477	5.32	31,681	7.59	1,317,759	7.49
Enrolled in college or graduate school	14,762,926	6.87	2,901,795	8.15	149,655	6.62	1,433,882	11.26	33,065	7.93	1,007,574	5.73
Not enrolled in school	160,394,449	74.65	23,754,389	66.74	1,572,612	69.53	8,991,473	70.59	291,668	69.91	11,934,068	67.86

Source: U.S. Census Bureau, American Community Survey, 2007



Table 48B: School Enrollment
(Navajo Nation, USA, AZ, NM, UT)

Description	Navajo Nation		USA		AZ		NM		Utah	
Population 3 years and over enrolled in school	52,272	100%	79,329,527	100%	1,650,562	100%	532,906	100%	839,582	100%
Nursery school, preschool	2,231	4.30%	4,913,688	6.20%	88,359	5.40%	27,416	5.10%	51,160	6.10%
Kindergarten	2,602	5.00%	4,028,537	5.10%	93,742	5.70%	27,565	5.20%	45,511	5.40%
Elementary school (grades 1-8)	23,065	44.10%	32,160,255	40.50%	717,576	43.50%	209,120	39.20%	345,890	41.20%
High school (grades 9-12)	16,707	32.00%	17,433,099	22.00%	356,067	21.60%	123,190	23.10%	168,677	20.10%
College or graduate school	7,667	14.70%	20,793,948	26.20%	394,818	23.90%	145,615	27.30%	228,344	27.20%

Source: U.S. Census Bureau, ACS 2007



Table 49A: Educational Attainment in the USA (Total Population)

Category	MALE		FEMALE		TOTAL	
	Total Population 25 Years or over	Percent	Total Population 25 Years or over	Percent	Total Population 25 Years or over	Percent
No schooling completed	848,107	0.89	914,253	0.89	1,762,360	0.89
Nursery to 4th grade	881,624	0.92	837,141	0.82	1,718,765	0.87
5th and 6th grade	2,022,703	2.12	1,901,434	1.86	3,924,137	1.98
7th and 8th grade	2,509,055	2.63	2,661,001	2.60	5,170,056	2.61
9th grade	2,120,037	2.22	2,047,091	2.00	4,167,128	2.11
10th grade	2,442,146	2.56	2,506,954	2.45	4,949,100	2.50
11th grade	2,502,187	2.62	2,573,796	2.51	5,075,983	2.57
12th grade, no diploma	2,022,003	2.12	1,883,911	1.84	3,905,914	1.97
High school graduate (includes equivalency)	28,684,978	30.07	30,973,337	30.22	59,658,315	30.15
Some college, less than 1 year	5,428,212	5.69	6,627,343	6.47	12,055,555	6.09
Some college, 1 or more years, no degree	12,610,384	13.22	13,856,373	13.52	26,466,757	13.37
Associate's degree	6,402,280	6.71	8,302,508	8.10	14,704,788	7.43
Bachelor's degree	16,740,689	17.55	17,623,788	17.19	34,364,477	17.37
Master's degree	6,476,135	6.79	7,505,716	7.32	13,981,851	7.07
Professional school degree	2,283,361	2.39	1,516,303	1.48	3,799,664	1.92
Doctorate degree	1,416,257	1.48	771,262	0.75	2,187,519	1.11
Total	95,390,158	100.00	102,502,211	100.00	197,892,369	100.00

Source: U.S. Census Bureau, ACS, 2007



Table 49B: Educational Attainment in the USA by Race

Description	White		Black		AIAN		Asians		NHPI		Some Other Race	
Male: (25 years and Over)	73,549,544	100.00	10,088,053	100.00	692,469	100.00	4,251,147	100.00	122,745	100.00	5,434,479	100.00
Less than 9th grade	3,832,909	5.21	598,529	5.93	70,068	10.12	252,051	5.93	6,309	5.14	1,424,142	26.21
9th to 12th grade, no diploma	6,137,263	8.34	1,510,016	14.97	104,373	15.07	239,989	5.65	11,785	9.60	945,482	17.40
High school graduate (includes equivalency)	21,943,448	29.83	3,713,686	36.81	237,436	34.29	720,335	16.94	51,612	42.05	1,645,165	30.27
Some college, no degree	14,336,274	19.49	2,033,224	20.15	146,598	21.17	513,377	12.08	24,877	20.27	693,703	12.76
Associate's degree	5,095,896	6.93	642,946	6.37	48,582	7.02	278,407	6.55	9,675	7.88	231,630	4.26
Bachelor's degree	13,805,236	18.77	1,079,758	10.70	56,845	8.21	1,239,603	29.16	13,280	10.82	362,545	6.67
Graduate degree	8,398,518	11.42	509,894	5.05	28,567	4.13	1,007,385	23.70	5,207	4.24	131,812	2.43
Female: (25 years and Over)	78,501,790	100.00	12,083,575	100.00	733,663	100.00	4,795,015	100.00	131,448	100.00	4,926,408	100.00
Less than 9th grade	3,793,290	4.83	652,403	5.40	62,051	8.46	489,200	10.20	10,150	7.72	1,231,697	25.00
9th to 12th grade, no diploma	6,044,098	7.70	1,641,918	13.59	103,169	14.06	306,775	6.40	11,852	9.02	778,230	15.80
High school graduate (includes equivalency)	24,183,761	30.81	3,899,360	32.27	238,421	32.50	883,789	18.43	48,995	37.27	1,377,191	27.96
Some college, no degree	15,996,763	20.38	2,675,417	22.14	169,879	23.15	552,580	11.52	30,101	22.90	722,859	14.67
Associate's degree	6,507,124	8.29	977,064	8.09	64,327	8.77	336,001	7.01	11,441	8.70	279,017	5.66
Bachelor's degree	14,041,930	17.89	1,454,689	12.04	62,407	8.51	1,456,565	30.38	13,456	10.24	384,652	7.81
Graduate degree	7,934,824	10.11	782,724	6.48	33,409	4.55	770,105	16.06	5,453	4.15	152,762	3.10

Source: U.S. Census Bureau, ACS 2007



Table 49C: Educational Attainment
(Navajo Nation, USA, AZ, NM, UT)

	The Navajo Nation		USA		Arizona		New Mexico		Utah	
Population 25 years and over	91,058	100%	197,892,369	100%	4,075,825	100%	1,267,808	100%	1,495,759	100%
Less than 9th grade	19,910	21.90%	12,575,318	6.40%	310,022	7.60%	105,676	8.30%	47,240	3.20%
9th to 12th grade, no diploma	13,318	14.60%	18,098,125	9.10%	363,837	8.90%	119,249	9.40%	99,688	6.70%
High school graduate (includes equivalency)	29,542	32.40%	59,658,315	30.10%	1,093,262	26.80%	364,480	28.70%	398,932	26.70%
Some college, no degree	12,332	13.50%	38,522,312	19.50%	953,739	23.40%	274,245	21.60%	386,562	25.80%
Associate's degree	8,100	8.90%	14,704,788	7.40%	322,378	7.90%	89,851	7.10%	133,937	9.00%
Bachelor's degree	4,918	5.40%	34,364,477	17.40%	655,897	16.10%	185,383	14.60%	293,227	19.60%
Graduate or professional degree	2,938	3.20%	19,969,034	10.10%	376,690	9.20%	128,924	10.20%	136,173	9.10%
Percent high school graduate or higher	63.50%	(X)	84.50%	(X)	83.50%	(X)	82.30%	(X)	90.20%	(X)
Percent bachelor's degree or higher	8.60%	(X)	27.50%	(X)	25.30%	(X)	24.80%	(X)	28.70%	(X)

Source: US Census Bureau, ACS 2007.



Table 50: Number of Births and Birth Rates for NAIHS, IHS and US, 1990-98
(Per 1,000 Population)

Category	1990-92	1991-93	1992-94	1994-96	1996-98
NAIHS Live Births	17,306	16,887	16,103	14,091	13,739
NAIHS Birth Rates	31.1	29.6	27.6	23.2	21.7
IHS	27.3	26.6	25.7	24.1	24
US Birth Rate	16.3	15.9	15.5	14.8	14.5

Source: IHS Regional Differences. Reproduced from 2005 Navajo Community Health Status Assessment. Table No. 8.1. P. No. 82. Navajo Area Indian Health Services.



Table 51: Age Adjusted Mortality Rate from All Cases
(per 100,000)

Category	1990-92	1991-93	1992-94	1994-96	1996-98
NAIHS Deaths	3082	3203	3219	3227	3426
NAIHS Rate	628.7	641.1	630.9	617.0	628.9
All IHS Rate	598.1	594.1	601.3	609.8	620.7
US All Races Rate	513.7	504.5	513.0	503.0	479.0

Source: 2005 Navajo Community Health Status Assessment, Navajo Area Indian Health Services. Table No. Core Indicator 3: Age Adjusted Mortality Rate from All Causes. P. 93.



Table 52: Homicide and Suicide Rates

On the Navajo Nation, all IHS and the USA
(Per 100,000 Population)

Category	Homicide					Suicide				
	1990-92	1991-93	1992-94	1994-96	1996-98	1990-92	1991-93	1992-94	1994-96	1996-98
NAIHS	19.3	19.3	15.2	18.2	19.7	18.2	19.1	16.6	15.9	16.8
All IHS	14.6	14.6	13.4	13.5	12.7	16.2	16.2	17.3	17.3	17.6
All Races	10.9	10.5	10.7	9.4	8	11.4	11.1	11.3	11.2	10.6

Source: 2005 Navajo Community Health Status Assessment. Table Nos. 7.3 and 7.5. P. 72-73. Navajo Area Indian Health Services.



Table 53: Live Births and Infant Death Rates for NAIHS, and the U.S., 1990-98
(Per 100,000)

Category	1990-92	1991-93	1992-94	1994-96	1996-98
NAIHS Live Births	17,306	16,887	16,103	14,091	13,739
NAIHS Infant Death Rates	9.4	10.0	10.0	8.6	8.2
US Infant Death Rates	8.9	8.5	8.4	7.6	7.2

Notes: The Rates are calculated per 100,000 Census population.

Source: 2005 Navajo Community Health Status Assessment. Table No. 8.2. P. No. 83. Navajo Area Indian Health Services.

**Table 54: Life Expectancy at Birth**

Category	NAIHS (1996-98)	U.S. (1997)
Life Expectancy at Birth (in Years)	72.3	76.5

Source: 2005 Navajo Community Health Status Assessment. Table No. 9.9. P. No. 98. Office of Program Planning and Evaluation, Navajo Area Indian Health Services.



Table 55: Number of Medical and Dental Facilities by Type
(For each NAIHS Service Unit, 2004)

Category	Chinle	Crownpoint	Ft. Defiance	Gallup	Kayenta	Shiprock	Tuba City	Winslow	Total
Hospitals	1	1	1	1		1	1		6
Health Centers	1			1	2	1		1	6
Health Stations	2	2	1	1	2	4	1	2	15
Health Locations	8	3	10	5	2	9	5	3	45
Dental Clinics	4	3	2	2	4	6	2	3	26

Source: 2005 Navajo Community Health Status Assessment. Navajo Area Indian Health Services. Table No. 3.11. P. 41. Office of Program Planning and Evaluation, NAIHS.



Figure I: Navajo Nation Government Organizational Chart

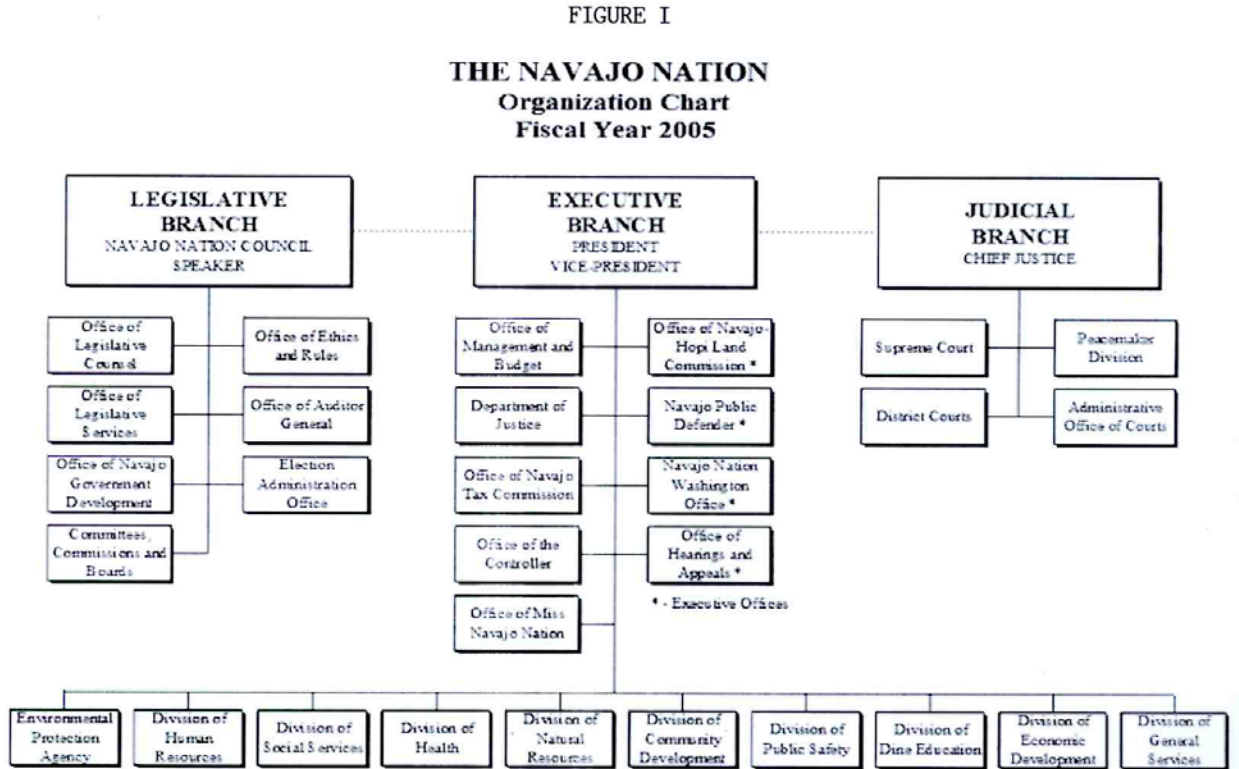




Figure II: Division of Economic Development Organization Chart

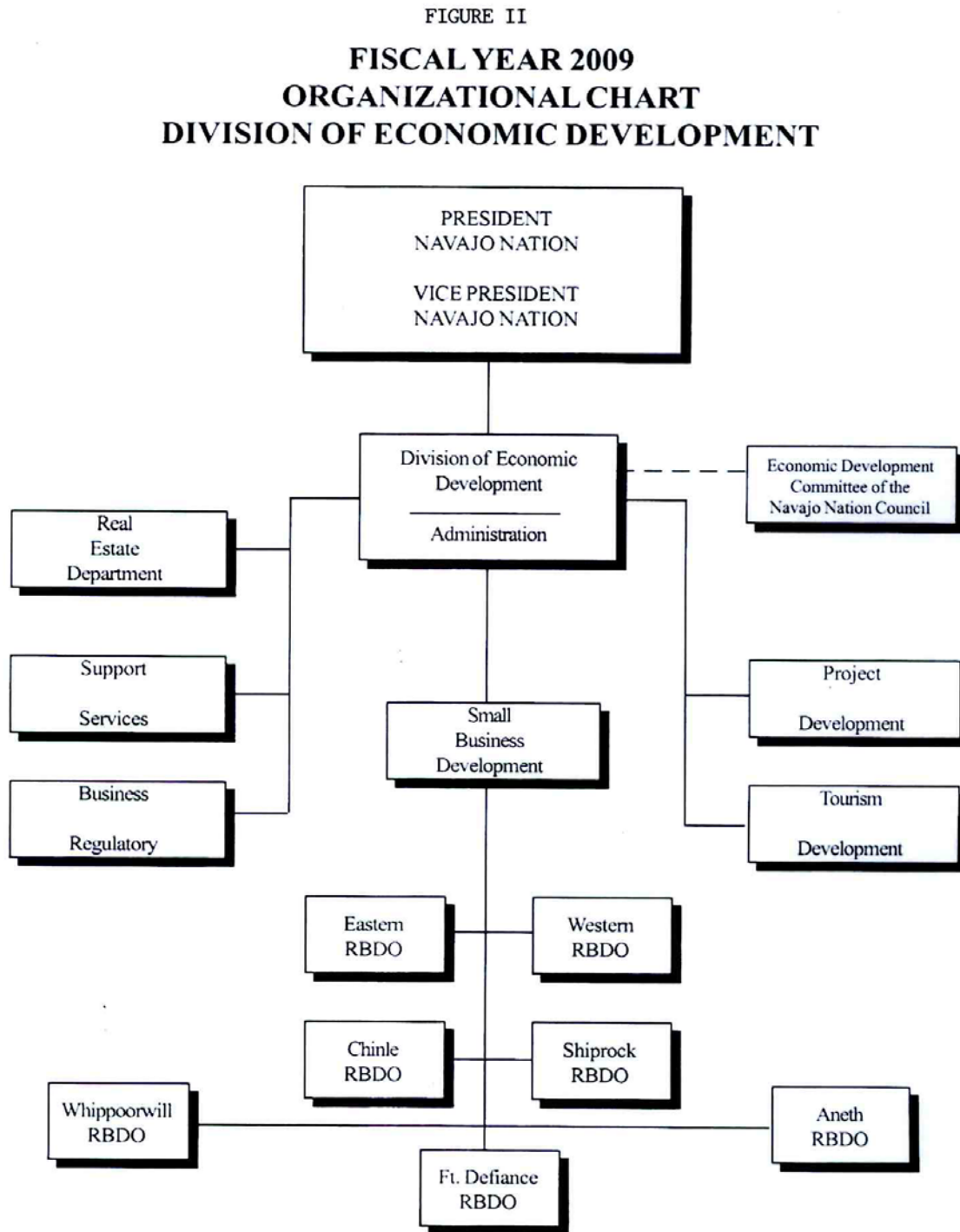


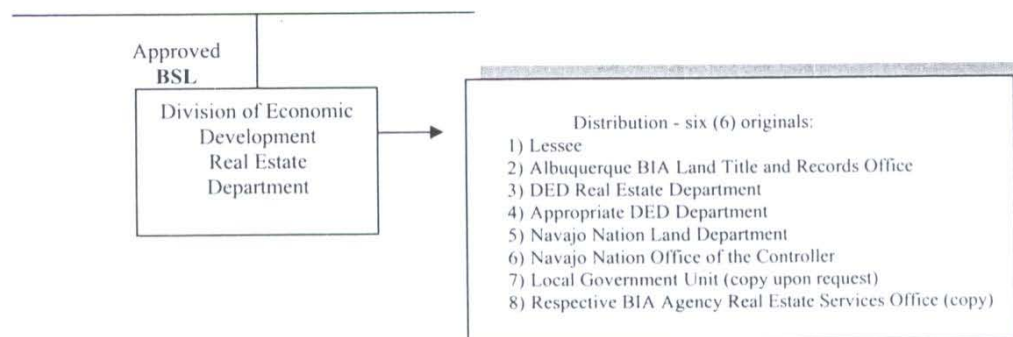
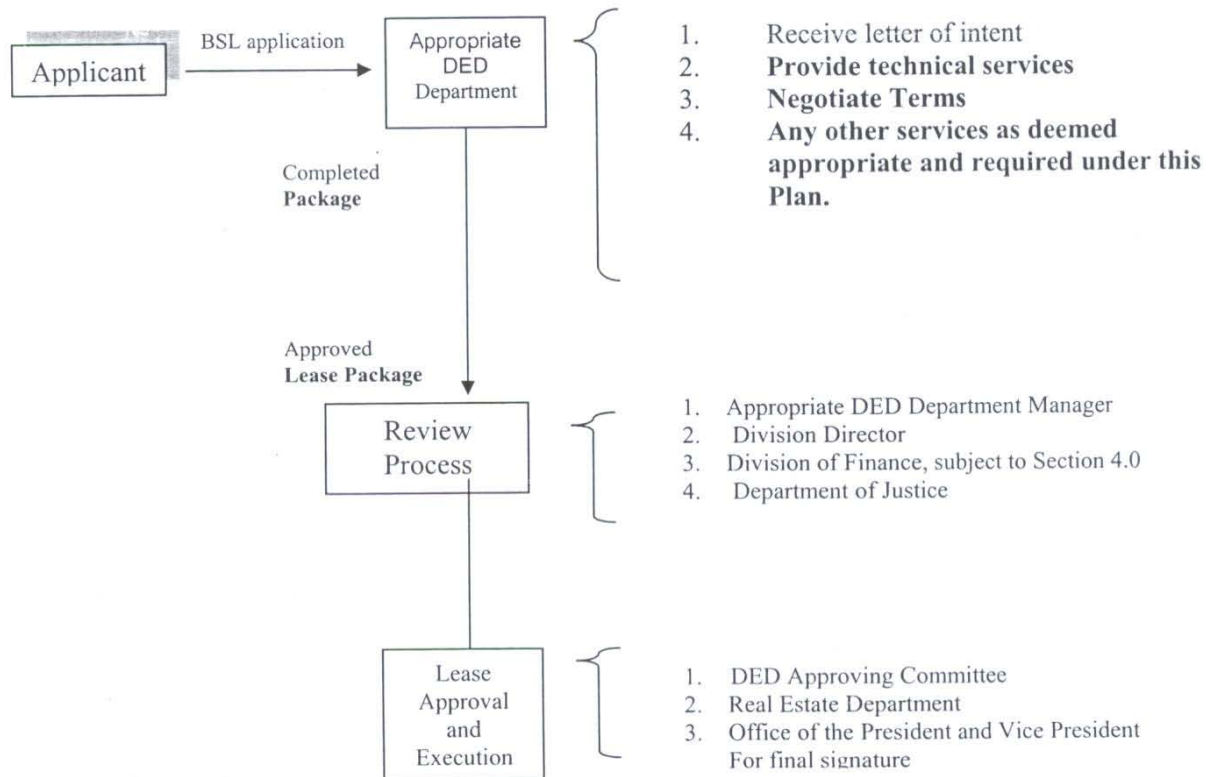


Figure III: Navajo Nation Lease Approval Flow Chart

FIGURE III

Navajo Nation Lease Approval Flow Chart

BUSINESS SITE LEASE APPROVAL PROCESS





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Allan S. Begay
Executive Director
Division of Economic Development
Tel: (928) 871-6544

Raymond Nopah
Chief Financial Officer & Department Director
Support Services Department
Tel: (928) 871-6544

Wilson Gilmore
Department Director
Small Business Development Department
Tel: (928) 871-6704

Anthony Perry
Department Director
Project Development Department
Tel: (928) 871-6504

Thomas Boyd
Department Director
Tourism Department
Tel: (928) 871-7647

Victoria Lee
Department Director
Business Regulatory Department
Tel: (928) 871-6714

Vacant
Department Director
Real State Department
Tel: 928-871-7379



Navajo Nation Ethics in Government Law

Ethics and Rules Office Plan of Operation

Garnishment Act



November 2007

Important Notice and Disclaimer: Provisions of the *Ethics in Government Law*, the Ethics and Rules Office *Plan of Operation* and the 2005 *Garnishment Act* contained herein were compiled by the Ethics and Rules Office. Resolutions regarding these laws, including any amendments subsequent to this compilation, are available upon request at the Central Records Office of the Navajo Nation. There are also rules and regulations adopted by the Ethics and Rules Committee; these are not contained herein. The Navajo Nation Code, an official publication of all Navajo Nation law, can be purchased from the Navajo Nation Office of Legislation Counsel. The compilation made available herein by the Ethics and Rules Office is not intended to replace any portion of the official version of the law. As with all laws, references or citations should be based on official publications.

Navajo Nation Ethics in Government Law

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Chapter 6. Ethics in Government Law

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Subchapter 1. Title and Purpose; Definitions

§ 3741. Title

This Chapter may be cited as the Navajo Nation *Ethics in Government Law*.

§ 3742. Legislative purpose and intent

- A. Purpose. Where government is founded upon the consent of the governed, the people are entitled to have complete confidence in the loyalty and integrity of their government. The purpose of the Navajo Nation *Ethics in Government Law*, therefore, is to require accountability to the people of the Navajo Nation by their elected, appointed and assigned public officials and employees in exercising the authority vested or to be vested with them as a matter of public trust, by:
1. Establishing and requiring adherence to standards of conduct to avoid such conflicts of interest as the use of public offices, employment or property for private gain, the granting and exchange of favored treatment to persons, businesses or organizations; and the conduct of activities by such officials and employees which permits opportunities for private gain or advantage to influence government decisions;
 2. Requiring public officials and employees to abstain from using any function of their office or duties in a manner which could place or appear to place their personal economic or special interests before the interests of the general public.
- B. Intent. It is the intention of the Navajo Nation Council that the provisions of this Navajo Nation *Ethics in Government Law* be construed and applied in each instance, so as to accomplish its purposes of protecting the Navajo People from government decisions and actions resulting from, or affected by, undue influences or conflicts of interest.

§ 3743. Definitions

As used in this Chapter:

- A. "Business" includes any enterprise, organization, trade, occupation or profession whether or not operated as a legal entity for profit, including any business, trust, holding company, corporation, partnership, joint venture, or sole proprietorship, consultant or other self-employed enterprise.
- B. "Business with which the person is associated" includes any business in which the person or a member of the person's immediate family is a director, officer, partner, trustee or employee, holds any position of management or receives income in any form such as wages, commission, direct or indirect investment worth more than one thousand dollars (\$1,000) or holds any ownership, security or other beneficial interest, individually or

combined, amounting to more than ten percent (10%) of said business.

- C. "Candidate for public office" means any person who has publicly announced such intent, authorized promotion for, or filed a declaration of candidacy or a petition to appear on the ballot for election as a public official; and any person who has been nominated by a public official or governmental body for appointment to serve in any public capacity or office.
- D. "Committee" means the Ethics and Rules Committee of the Navajo Nation Council.
- E. "Compensation" or "income" means any money or thing of value received, or to be received as a claim on future services, whether in the form of a fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of recompense or any combination thereof.
- F. "Confidential information" means information which by law or practice is not available to the public at large.
- G. "Conflict of interest" means the reasonable foreseeability that any personal or economic interest of a public official, or employee, will be affected in any materially different manner from the interest of the general public, by any decision, enactment, agreement, award or other official action or function of any governmental body or political subdivision of the Navajo Nation.
- H. "Dependent business" means any business, as defined herein, in which the person or members of the person's immediate family, individually or combined, have any direct or indirect ownership, investment, security or other beneficial interest amounting to more than twenty percent (20%) of such business.
- I. "Employee" means any person or entity working for, or rendering or exchanging any services or performing any act for or on behalf of another person, organization or entity in return for any form of pay or other compensation or thing of value received or to be received at any time temporarily, permanently or indefinitely, in any capacity; whether as agent, servant, representative, consultant, advisor, independent contractor or otherwise.
- J. "Employment" means the status or relationship existing or created by and between a person designated or acting as an "employee" as defined herein and the person, organization, group or other entity for whom or on whose behalf any such work, acts, services or other benefit has been, is being or will be rendered or performed for pay or any other form of compensation.
- K. "Economic interest" means an interest held by a person, members of the person's immediate family or a dependent business, which is:
 - 1. Any ownership, income, investment, security or other beneficial interest in a business, or

2. Any employment or prospective employment for which negotiations have already begun.
- L. "Gift" includes any gratuity, special discount, favor, hospitality, payment, loan, subscription, economic opportunity, advance, deposit of money, services, or other benefit received without equivalent consideration and not extended or provided to members of the public at large.
- M. "Governmental body" means any branch, entity, enterprise, authority, division, department, office, commission, council, board, bureau, committee, legislative body, agency, and any establishment of the Executive, Administrative, Legislative or Judicial Branch of the Navajo Nation, and certified Chapters of the Navajo Nation.
- N. "Immediate family" includes spouse, children and members of the household of public officials, public employees and candidates for public office, as defined in this Chapter.
- O. "Ministerial action" means an action that a person performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to, or in the exercise of, the person's own judgment upon the propriety of the action being taken.
- P. "Official discretionary action" means any official function of public office or employment, including any vote, decision, opinion, allocation, recommendation, approval, disapproval, finding, delegation, authorization, contract, commitment, settlement, disbursement, release or other action which involves the exercise of discretionary authority, for, on behalf of or in any manner affecting any interest or property of the Navajo Nation, including any governmental body, political subdivision or member thereof.
- Q. "Public employee" means any employee, as defined herein, temporarily, periodically, permanently or indefinitely in the employment of the Navajo Nation, and/or any governmental body thereof as defined herein, including intergovernmental personnel.
- R. "Public office" means any elected or appointed office or position of permanent or temporary employment in any governmental body of the Navajo Nation as defined herein.
- S. "Public official" means any person holding an elective or appointed office in any governmental body of the Navajo Nation as defined herein, including grazing committee members.

Subchapter 2. Standards of Conduct and Restricted Activities of Public Officials and Employees

§ 3744. Conduct in conformity with applicable rules and laws

Public officials and employees shall at all times conduct themselves so as to reflect credit upon the Navajo People and government; and comply with all applicable laws of the Navajo Nation with respect to their conduct in the performance of the duties of their respective office or employment.

§ 3745. General prohibitions; conflicts of interest

- A. No public official or employee shall use, or attempt to use, any official or apparent authority of their office or duties which places, or could reasonably be perceived as placing, their private economic gain or that of any special business interests with which they are associated, before those of the general public, whose paramount interests their office or employment is intended to serve.
- B. It is the intent of this Subsection (B) that public officials and employees of the Navajo Nation avoid any action, whether or not specifically prohibited by the Standards of Conduct set out herein, which could result in, or create the appearance of
 - 1. Using public office for private gain;
 - 2. Giving preferential treatment to any special interest organization or person;
 - 3. Impeding governmental efficiency or economy;
 - 4. Losing or compromising complete independence or impartiality of action;
 - 5. Making a government decision outside official channels; or
 - 6. Adversely affecting the confidence of the people in the integrity of the government of the Navajo Nation.

§ 3746. Use of confidential information for private gain

No public official or employee shall use or disclose confidential information gained in the course of or by reason of their official position or activities, to further their own economic and personal interest or that of anyone else.

§ 3747. Restrictions against incompatible interests or employment

- A. Public officials and employees shall not:

1. Have direct or indirect financial or other economic interests nor engage in such other employment or economic activity which, as determined in accordance with the provisions of this Chapter and other applicable laws of the Navajo Nation, necessarily involve inherent substantial conflict, or appears to have such substantial conflict, with their responsibilities and duties as public officials or employees of the Navajo Nation; nor
 2. Engage in, directly or indirectly, financial or other economic transactions as a result of, or primarily depending upon, information obtained through their public office or employment; nor
 3. Acquire any economic or other financial property, contractual or other economic interest at a time when they believe or have reason to believe, that it will directly and substantially affect or be so affected by their official actions or duties.
- B. Subject to the restrictions and conditions set forth in this Chapter, public officials and employees are free to engage in lawful financial transactions to the same extent as the general public. Governmental bodies and agencies of the government of the Navajo Nation may, however, adopt further approved restrictions upon such transactions or employment as authorized herein and by other applicable laws of the Navajo Nation, in light of special circumstances or their particular duties.
- C. No business or other entity shall employ a public official or employee if such employment is prohibited by or otherwise violates any provision of this Chapter.
- D. The term "employment", within the meaning of this Section, includes professional services and other services rendered by a public official or employee, whether rendered as an employee, consultant or other independent contractor.

§ 3748. Abstention from official action

- A. When a public official or employee is required to take official action on a matter in which such public official or employee has a personal economic interest, they should first consider eliminating that interest. If that is not feasible nor required under § 3747 above, such public official or employee shall:
1. Prepare and sign a written statement describing the matter requiring action and the nature of the potential conflict, as soon as such public official or employee is aware of such conflict and they shall deliver copies of such statement to the responsible party for inclusion in the official record of any vote or other decision or determination and also to the Ethics and Rules Committee;
 2. Abstain from voting, sponsoring, influencing or in any manner attempting to influence any vote, official decision or determination which would favor or advance such person's personal economic interest in such matter; and

3. Abstain from voting or otherwise participating in the official decision or determination of such matter, unless otherwise directed by the authorized presiding official of the governmental body making such decision or determination, or otherwise legally required by law, (such as the vote of an elected representative delegate which is cast on behalf of his or her electorate constituents), or unless such person's vote, position, recommendation or participation is contrary to their personal economic interest.
- B. Unless otherwise provided by applicable law, the abstention by such person from voting or otherwise participating in the official determination or decision shall not affect the presence of such person for purposes of establishing a quorum necessary for a governmental body, agency or commission to take such action or vote upon such matter.
- C. Public employees shall also deliver a copy of such statement to the Committee and to their immediate superior, if any, who shall assign the matter to another. If such employee has no immediate superior, he or she shall take such steps as the Committee shall prescribe or advise, to abstain from influencing actions and decisions in the matter.
- D. In the event that a public official's or employee's participation is otherwise legally required for the action or decision to be made, such person and the presiding official or immediate superior requiring such participation shall fully report the occurrence to the Committee.

§ 3749. Navajo Nation government contracts; restrictions and bid requirements

- A. No public official or employee or any member of such person's immediate family shall be a party to, nor have an interest in the profits or benefits of, any governmental contract of the Navajo Nation or of any investment of funds of the Navajo Nation, unless the contract or the investment meets the following requirements:
 1. The contract is let by notice and competitive bid or procurement procedures as required under all applicable laws, rules, regulations and policies of the Navajo Nation, for necessary materials or services for the governmental agency or entity involved;
 2. If the continuous course of a business commenced before the public official or employee assumed his or her current term of office or employment;
 3. The entire transaction is conducted at arm's length, with the governmental agency's full knowledge of the interest of the public official or employee or a member of his or her immediate family;
 4. The public official or employee has taken no part in the determination of the specifications, deliberations or decision of a governmental agency with respect to

the public contract; and

5. The public official or employee is not a member, office holder, employee or otherwise directly associated with the same governmental agency or entity primarily responsible for letting, performing, receiving, regulating or otherwise supervising the performance of the contract.
- B. The requirements of §3749(A) shall not apply to the negotiation, execution, award, transfer, assignment or approval of mineral or non-mineral leases, permits, licenses and like transactions other than contracts involving the investment, award or payment of government funds; provided, that such leases, permits, licenses and like transactions shall be subject to all other provisions of this Section and to all other applicable laws, rules and regulations of the Navajo Nation and its governmental bodies; and provided further that §3749 (A) shall likewise fully apply to all contracting and other activities, conducted thereunder, which are subject to this Chapter. Provisions in accordance with the purposes and intent of this Chapter shall be incorporated as part of the rules, regulations and guidelines applicable to the negotiation, approval and assignment of such leases, permits, licenses and like transactions.
- C. In the absence of bribery or a purpose to defraud, a public official or employee or a member of his or her immediate family shall not be considered as having an interest in a public contract or the investment of public funds, when such a person has a limited investment interest of less than ten percent (10%) of the ownership of net assets, or an interest as creditor of less than ten percent (10%) of the total indebtedness of any business or other entity which is the contractor on the public contract involved or in which public funds are invested, or which issues any security therefor.

§ 3750. Restrictions on assisting or representing other interests before governmental bodies for compensation

No public official or employee except an employee of a governmental body duly established and authorized for such purposes by the Navajo Nation shall represent or otherwise assist any person or entity other than the Navajo Nation or a governmental body or political subdivision thereof, for compensation, before any governmental body where the matter before the governmental body is of a non-ministerial nature. This Section shall not be construed to prohibit the duties of elected or appointed public officials to represent their constituents' interests before government agencies or entities nor the performance of ministerial functions, including but not limited to the filing or amendment of tax returns, applications for permits and licenses, and other documents or reports. It does, however, prohibit representation of such other interests for any fee or compensation in seeking to obtain any legislation, contract, payment of any claim or any other governmental benefit.

§ 3751. Restrictions on assisting or representing other interests subsequent to termination of public office or employment

- A. No former public official or employee nor partner, employee or other associate thereof

shall, with or without compensation, after the termination of such public office or employment, knowingly act as agent or attorney for or otherwise represent any other person or entity (except the Navajo Nation, its governmental bodies or political subdivisions) by formal or informal appearance nor by oral or written communication, for the purpose of influencing any governmental body of the Navajo Nation or any officer or employee thereof, in connection with any proceeding, contract, claim, controversy, investigation, charge or accusation, in which such former public official or employee personally and substantially participated, through approval, disapproval, recommendation, rendering of advice, investigation or otherwise, while so acting or employed.

- B. With respect to any such matter which was actually pending among such former public official's or employee's responsibilities, but in which such person did not participate as set forth in Subsection (A), the prohibitions set forth hereunder shall apply for the period of two years following the termination of such public office or employment.
- C. Nothing in this Chapter shall prevent a former public official or employee from appearing and giving testimony under oath, nor from making statements required to be made under penalty of perjury, nor from making appearances or communications concerning matters of a personal and individual nature which pertain to such former public official or employee or are based upon such person's own special knowledge of the particular subject involved, not otherwise privileged from disclosure by other applicable law; and provided further, that no compensation is thereby received other than that which is regularly provided for witnesses by law or regulation.
- D. The Navajo Nation, its governmental bodies and political subdivisions shall not enter into any contract with, nor take any action favorably affecting or economically benefitting in any manner differently from members of the public at large, any person, business, governmental or other entity, which is assisted or represented personally in the matter by a former public official or employee whose official act, while a public official or employee, directly contributed to the making of such contract or taking of such action by the Navajo Nation or any governmental body or political subdivision thereof.
- E. Nothing contained in this Subsection shall prohibit a former public official or employee from being retained or employed by the governmental entity which he or she formerly served.

§ 3752. Unauthorized compensation or benefit for official acts

- A. No public official or employee shall accept or receive any benefit, income, favor or other form of compensation for performing the official duties of their office or employment, beyond the amount or value which is authorized and received in his or her official capacity for performing such duties.
- B. This Section shall not be construed to prohibit the receipt of authorized compensation for

the performance of other distinct and lawful public duties by public officials or employees.

- C. No public official or employee, however, shall accept any benefit, income, favor or other form of compensation for the performance of the duties of any other office or employment not actually performed or for which such official or employee is not otherwise properly authorized or entitled to receive.

§ 3753. Unauthorized personal use of property or funds of the Navajo Nation

No public official or employee shall use any property of the Navajo Nation or any other public property of any kind for other than as authorized and approved for official purposes and activities. Such persons shall properly protect and conserve all such property, equipment and supplies which are so entrusted, assigned or issued to them.

§ 3754. Staff misuse prohibited

No public official or employee shall employ, with funds of the Navajo Nation, any unauthorized person(s) nor persons who do not perform duties commensurate with such compensation, and shall utilize authorized employees and staff only for the official purposes for which they are employed or otherwise retained.

§ 3755. Anti-nepotism

No public official or employee shall employ, appoint, or otherwise cause to be employed, nor nominate, nor otherwise influence the appointment or employment to any public office or position with the Navajo Nation or any governmental or political subdivision thereof, any person or persons related by consanguinity or affinity within the third degree, nor any member of the same household as said public official or public employee. Assignment of such persons to duties, positions, governmental offices or other entities shall in all instances be made in strict compliance with the current provisions of the Personnel Policies and Procedures of the Navajo Nation, as amended from time to time.

§ 3756. Restrictions against gifts or loans to influence official acts

Except as otherwise provided herein or by applicable rule or regulation adopted hereunder by the Ethics and Rules Committee of the Navajo Nation Council, or by other applicable law, no public official or employee shall solicit or accept for himself/herself or another, any gift, including economic opportunity, favor, service, or loan (other than from a regular lending institution on generally available terms) or any other benefit of an aggregate monetary value of one hundred dollars (\$100.00) or more in any calendar year, from any person, organization or group which:

- A. Has, or is seeking to obtain, contractual or other business or financial relationships or approval from any governmental office or entity with which the public official or employee is associated or employed; or

- B. Conducts operations or activities which are regulated or in any manner supervised by any governmental office or entity with which the public official or employee is associated or employed; or
- C. Has any interest which, within two years, has been directly involved with, or affected by, the performance or non-performance of any official act or duty of such public official or employee or of the government office or entity with which the public official or employee is associated or employed or which the public official or employee knows or has reason to believe is likely to be so involved or affected.

§ 3757. Permitted gifts, awards, loans, reimbursements and campaign contributions

Section 3756 shall not be construed to prohibit:

- A. An occasional non-pecuniary gift, insignificant in value;
- B. Gifts from and obviously motivated by family or social relationships, as among immediate family members or family inheritances;
- C. Food and refreshments customarily made available in the ordinary course of meetings where a public official or employee may properly be in attendance;
- D. An award or honor customarily and publicly presented in recognition of public service; and/or
- E. A political campaign contribution, in accordance with all applicable election laws and provided that such gift or loan is actually used in the recipient's political campaign for elective office of a governmental body or political subdivision thereof and provided further that no promise or commitment regarding the official duties of office or employment is made in return for such contribution.

§ 3758. Adoption of supplemental codes of conduct for official and employees of governmental entities of the Navajo Nation

- A. The chief executive or administrator of every governmental entity of the Navajo Nation which is subject to the provisions of this Chapter is authorized to submit for approval and adoption by the Committee such supplemental rules, regulations and standards of conduct for the public officials and employees of such entity, which are necessary and appropriate to the special conditions relating to their particular functions, purposes and duties and not in conflict with the purposes and other provisions of this Chapter. Upon adoption, such supplemental standards, rules and regulations shall be implemented in the same manner and to the extent applicable, as are all other standards, rules and regulations provided and adopted in accordance with the provisions of this Chapter.

- B. The Ethics and Rules Committee is also authorized to adopt supplemental rules, regulations, and standards of conduct for all elected officials as defined by the Navajo Nation Code.
- C. Other Navajo Nation Political Governing Bodies.
 - 1. Other political governing bodies of the Navajo Nation are authorized and directed to draft, adopt, implement and administer standards of conduct, disclosure requirements and other procedures, rules and regulations in conformity with the purposes and provisions of this Chapter.
 - 2. Any lawful authorization for any sponsorship or conduct of participation or involvement in any business activity by any political subdivision of the Navajo Nation shall be conditioned upon its prior adoption of such provisions, and enforcement thereof, as approved by the Committee.
- D. The Committee and the Navajo Nation Department of Justice shall provide such assistance as needed and requested by such governmental entities and political governing bodies of the Navajo Nation, in the preparation and drafting of such supplemental and implementing provisions as authorized and which are not in conflict with the purposes and provisions of this Chapter.

Subchapter 3. [Repealed]

Subchapter 4. Implementation and Compliance with *Ethics in Government Law*; Duties and Responsibilities; Investigation, Hearings, Findings, Reports and Recommendations

§ 3766. Ethics and Rules Committee of the Navajo Nation Council - Powers and duties

In accordance with all powers and authority as provided in 2 N.N.C. §§ 831–835 and in addition, the Committee shall have the specific duties, responsibilities and authority to:

- A. Adopt, amend and publish rules and regulations to implement all provisions of this Chapter. Before such rules and regulations are enacted a 45-day public notice and comment period shall be allowed.
- B. Ensure that all appropriate measures are taken for protecting the confidentiality of all statements, records, documents, other materials and information designated as such by this Chapter or by any other applicable rules or regulations of the Navajo Nation or other competent jurisdiction.
- C. Provide written advisory opinions to guide the conduct and address specific questions when requested by officials and employees who are subject to this Chapter.
 - 1. All opinions shall be confidential and maintained on record within the Ethics and

Rules Office;

2. All opinions shall be binding upon the Committee, with regard to matters related to the specific request, until amended or revoked by the Committee.
- D. The Committee may initiate and/or receive, review and/or investigate complaints filed with the Ethics and Rules Office.
- E. The Committee shall conduct Administrative Hearings to determine violations or noncompliance with this Chapter. All Committee hearings shall follow Rules of Procedures established and adopted by the Committee. The director shall be charged with the responsibility of representing the Navajo Nation in bringing forth all complaints filed under this Chapter.

§ 3767. Retaliation prohibited

- A. Retaliation against any party or witness to a complaint shall be prohibited. Retaliation shall include any form of adverse or punitive action. This protection shall also be afforded to any person(s), including Ethics and Rules Office staff, offering testimony or evidence or complying with directives of the Committee.
- B. Any violations shall be subject to penalties under this Chapter, as well as obstruction and contempt violations of both the civil and criminal codes of the Navajo Nation.

§ 3768. Dismissals

Upon recommendation of the Ethics and Rules Office, the Committee may dismiss any complaint which the Committee determines has insufficient facts to constitute a violation or noncompliance to this Chapter; or if there is insufficient evidence to support the allegations; or if the Committee lacks personal and subject matter jurisdiction.

§ 3769. Statute of Limitations

No action shall be brought under this Chapter more than four years after cause of action has accrued.

§ 3770. Administrative hearings

- A. The Committee, in the capacity of a quasi-judicial body, shall conduct administrative hearings on any alleged violation or noncompliance.
- B. The Ethics and Rules Office shall act in the capacity of complainant on matters to be heard by the Committee.
- C. The Hearing body may impose or recommend any sanctions, civil damages, restitution,

or other penalties provided in this Chapter, or refer their findings to other appropriate entities for action.

§ 3771. Appeals to Supreme Court

- A. The Supreme Court of the Navajo Nation shall have jurisdiction to hear appeals from final decisions. Appeals shall be limited to questions of law.
- B. A notice of appeal shall be filed within 10 working days of the issuance of a written decision.

§ 3772. Deliberations by the committee

In any complaint where the accused is the President, Vice-President, Chief Justice, or other judges of the Navajo Nation, Chapter official or a Council Delegate, the Ethics and Rules Committee, upon completion of the administrative hearing, shall deliberate in executive session and by resolution render its findings of facts, conclusions of law and recommendations for sanction.

§ 3773. [Repealed]

§ 3774. Committee's power as a quasi-judicial body

- A. The Committee shall hold in contempt any person found disobeying any lawful order, process writ, finding or direction of the Committee.
- B. The Committee is authorized to administer oaths and issue subpoenas to compel attendance and testimony of witnesses, or to produce any documents relevant to the matter before the Committee.
- C. The Committee shall maintain a complete record of all hearings, including all testimony and documents presented as evidence.
- D. The Committee shall not be bound by formal rules of evidence.
- E. The Committee shall conduct all hearings in open session. All records, transcripts, and other documents in the possession of the office shall remain confidential unless such information are submitted by the office as evidence.
- F. The Committee shall cause a copy of any order or decision to be delivered to the appropriate branch of the government.

§ 3775. Committee conflict of interest

No Committee member shall hear matters before the Committee which involve a member

of his/her immediate family and/or personal economic interest.

§ 3776. Independent legal counsel

Subject to all applicable laws, the Committee may obtain independent legal counsel to assist and advise the Committee.

§ 3777. Special prosecutors

- A. Notwithstanding any provision in this Chapter, any Special Prosecutor appointed pursuant to 2 N.N.C. §§ 2021 - 2024 shall have the following powers and authority in connection with any administrative proceeding under this Chapter, exercisable in the name of the Navajo Nation, with respect to any matter within such Special Prosecutor's jurisdiction:
1. To file a complaint with the Committee alleging a violation of this Chapter by any person subject thereto;
 2. To prosecute the complaint and represent the Navajo Nation's interest in any and all proceedings thereon;
 3. To exercise an unconditional right to intervene and be substituted as the complainant in any proceeding pending under this Chapter, without regard to the stage of such proceedings; and
- B. In the event of any administrative proceeding under this Chapter in which the Navajo Nation, through a Special Prosecutor, is a complainant against a person, any other complaint filed against such person hereunder (whether filed before or after the date on which the Navajo Nation became complainant) shall abate and shall be dismissed without prejudice, as to any common allegation of prohibited conduct.

§ 3778. [Repealed]

§ 3779. Other relief not barred

Nothing herein shall be construed as foreclosing the right of the Navajo Nation, through a Special Prosecutor or otherwise, to initiate proceedings to secure the relief and sanctions referred to in §§ 3781 or 3782 of this Chapter.

Subchapter 5. Sanctions and Penalties

§ 3780. Administrative sanctions; collection of judgments

- A. Upon finding that there has been violation of any provision of this Chapter, the Committee may impose any or all of the following penalties or sanctions:

1. Removal, discharge or termination from public office or employment in accordance with applicable Navajo Nation law and procedure.
 2. Disqualification for all elective public offices of the Navajo Nation and/or appointment to or employment in any public office of the Navajo Nation, for five years from the effective date of removal, discharge or any other termination of public office or employment of the Navajo Nation.
 3. Suspension from public office or employment and forfeiture of all compensation and benefits accruing therefrom, for not less than 30 days nor for more than one year.
 4. Accordingly, any public employee of the Navajo Nation shall be subject to discipline, including suspension without pay or other benefits and dismissal as provided by other laws, regulations and personnel policies or procedures applicable thereto.
 5. Issuance of a written public reprimand, which shall be entered into such person's permanent record of employment or office and upon the permanent record of the public office or entity of which such person is a member or employee, according to provision of applicable Navajo Nation law and procedures.
 6. Issuance of a private reprimand to such person, with or without suspension of any or all other sanctions provided herein.
 7. Imposition of restitution or such other civil penalties as hereinafter provided under §3781.
- B. Any person who is found to have violated any provisions of this Chapter shall forfeit any elective public office. This forfeiture provision shall not apply to any person against whom the only sanction imposed under §3780(A) is for a suspension from public office, or a written public reprimand, or private reprimand, or restitution of less than one thousand dollars (\$1,000).
- C. No sanctions or penalty provided herein shall limit any other powers of the Navajo Nation Council, Navajo Nation Courts, Judicial, Executive or Legislative Branches of the Navajo Nation, nor of any other entity or administrative officials or employees under other applicable law, rules, regulations or procedures.
- D. Judgments issued pursuant to the *Ethics in Government Law* which include the payment of money may be collected in any manner authorized for recovery of debts owed the Navajo Nation, including but not limited to garnishment proceedings as authorized by Navajo Nation law and offset provisions of the Navajo Nation Business and Procurement Act, 12 N.N.C. §1501 *et seq.*

§ 3781. Other civil damages

- A. A person found in violation of this mandate shall be further subject to, and personally liable for the following provisions, without regard to the imposition of any administrative sanction or criminal conviction:
 - 1. Any public official or employee who violates any economic disclosure or reporting requirement of this Chapter may be held liable to the Navajo Nation for civil damages in an amount not to exceed the value of any interest not properly reported.
 - 2. Any public official or employee who realizes an economic benefit as a result of violation of any prohibition or restriction set forth in Subchapter 2 and 3 of this Chapter shall be liable to the Navajo Nation for civil damages in an amount not exceeding three times the amount or value of the benefit or benefits so obtained.
- B. If two or more persons are responsible for any violation, each of them shall be liable to the Navajo Nation for the full amount of any civil damages prescribed herein, the full amount of which may be imposed upon and collected from each of them individually.
- C. Any civil penalties imposed hereunder shall be collected in any manner authorized for recovery of debts or obligations owed to the Navajo Nation and shall be paid into the General Fund of the Navajo Nation.
- D. No imposition of any or all civil damages provided herein shall be a bar to institution of any civil, criminal or misdemeanor action, liability, judgment, conviction or punishment otherwise applicable hereto, nor shall determination of any such civil damages be barred thereby.

§ 3782. Misdemeanor violations; punishments

The Navajo Nation, through the Office of the Prosecutor or Special Prosecutor shall be responsible for the enforcement of the following Subsection.

- A. Any person who is convicted or found guilty of knowingly and willfully violating any provision of Subchapter 2 of this Chapter is guilty of a misdemeanor and for a first offense shall be fined not more than five hundred dollars (\$500.00) and may be sentenced to imprisonment for not more than 180 days, or both.
- B. Any person knowingly and willfully filing any complaint authorized under this Chapter or by any other applicable law, without just cause and with malice or other improper purpose, including personal, political or other harassment or embarrassment, shall be guilty of a misdemeanor and for a first offense shall be fined not more than five hundred dollars (\$500.00) and may be sentenced to imprisonment for not more than 180 days, or both.

- C. Upon conviction of any subsequent offense prescribed in Subsection (A) or (B) of this Section, such person shall be fined not less than five hundred dollars (\$500.00) and shall be sentenced to imprisonment of not less than 30 days nor more than 180 days.
- D. A person convicted of a misdemeanor under this Chapter shall not be a candidate for elective public office, nor be eligible for any appointive office of the Navajo Nation, nor any of its governmental entities or political governing bodies; for five years following the date of conviction.
- E. A plea of *nolo contendere* shall be deemed a conviction for purposes of this Chapter.
- F. No criminal or misdemeanor action, judgment, conviction or punishment hereunder shall operate to bar any action for civil damage or penalty or imposition of any administrative sanction provided hereunder, nor be barred thereby.

§ 3783. Severability

If any provision of this Chapter or the application of such provision to any person, firm, association, corporation or circumstances shall be held invalid, the remainder of the Chapter and the application of such provision to persons, firms, associations, corporations or circumstances other than those as to which it is held invalid shall not be affected thereby.

§ 3784. Effective date

The effective date of all provisions of this Navajo Nation *Ethics in Government Law* shall be October 8, 1984.

§ 3785. Prior inconsistent law superseded

Upon the effective date of this Navajo Nation *Ethics in Government Law*, all prior inconsistent enactments, laws, rules, policies, ordinances and regulations of the Navajo Nation and all branches, divisions, departments, offices and political subdivisions thereof, are superseded hereby and/or amended to comply herewith.

Subchapter 6. Ethics and Rules Office

§ 3786. Establishment

There is hereby established the Ethics and Rules Office within the Navajo Nation government.

§ 3787. Purpose

The purpose of the Ethics and Rules Office shall be to:

- A. Provide administrative assistance to the Ethics and Rules Committee of the Navajo Nation Council in ensuring adherence to legislative mandates under the Navajo Nation *Ethics in Government Law*, Ethics and Rules Committee Plan of Operation, and other applicable laws of the Navajo Nation;
- B. To represent the interests of the Navajo Nation in maintaining the highest standards of ethical conduct by the elected and appointed public officials, officers and representatives of the Navajo Nation, in the performance of their public and official duties and functions, (includes candidates and public employees);
- C. To maintain and make available for official information, complete and current written records of all laws, resolutions, rules, regulations and other official enactments, rulings, decisions or opinions relating to requirements, prohibitions or standards of ethical conduct or disclosure by elected and appointed public officials, officers, employees and representatives of the government of the Navajo Nation; together with current and complete records of such written disclosures as may be required by the laws of the Navajo Nation; and
- D. To protect the interest of the Navajo People in fair, honest and efficient conduct of the government of the Navajo Nation, in accordance with the laws of the Navajo Nation and the will of the Navajo People, through review, recommendation and sponsorship of projects, legislation, rules and standards in furtherance of these ends.

§ 3788. Personnel and organization

- A. There is established the position of Director for the Ethics and Rules Office and administrative/secretarial staff as may be budgeted by the Navajo Nation Council.
- B. The Ethics and Rules Committee and the Executive Director of the Office of Legislative Affairs shall have the authority to employ the Director of the Ethics and Rules Office.
- C. The Director shall have the authority to hire the administrative/secretarial staff, pursuant to Navajo Nation Personnel Policies and Procedures.

- D. All Ethics and Rules Office personnel shall be subject to the Navajo Nation personnel compensation, benefits, and policies and procedures
- E. The Director of the Ethics and Rules Office shall be administratively responsible to the Executive Director, Office of Legislative Services, in carrying out policies authorized and directed by the Ethics and Rules Committee of the Navajo Nation Council, as provided under Section 3787 of this Subchapter.

§ 3789. Duties, responsibilities and authority

- A. The Director shall have the authority necessary and proper to carry out the purpose set forth in §3787 of this Chapter.
- B. Under general direction, the Director of the Ethics and Rules Office shall have the duties, responsibility, and authority to assist the Ethics and Rules Committee of the Navajo Nation Council to:
 - 1. Provide recommendations to the Ethics and Rules Committee concerning rules and regulations necessary to implement provisions of the Navajo Nation *Ethics in Government Law* and to publish same after proper approval;
 - 2. Prescribe and make available appropriate forms for economic disclosure statements and distribute such forms to all persons required to complete and file with the Ethics Rules Committee of the Navajo Nation Council;
 - 3. Establish policies and procedures for completing and filing economic disclosure statements and provide training as deemed necessary,
 - 4. Maintain current list of all persons required to file economic disclosure statements;
 - 5. Provide for the preservation of economic disclosure statements filed with the Ethics and Rules Committee and ensure their confidentiality in accordance with the Navajo Nation *Ethics in Government Law* and all applicable rules and regulations;
 - 6. Audit, review and evaluate all economic disclosure statements and make available for public access those deemed public records during regular office hours;
 - 7. Provide and maintain written advisory opinions on the requirements of the Navajo Nation *Ethics in Government Law*, upon request from persons whose conduct is subject thereto and who have specific need to use such opinions;
 - 8. Receive, examine and investigate complaints and conduct such hearings, in accordance with rules and regulations lawfully adopted and authorized to determine facts of allegations or noncompliance with provisions of the Navajo

Nation *Ethics in Government Law*;

9. Implement, facilitate and require compliance with all provisions of the Navajo Nation *Ethics in Government Law* in accordance with stated purposes and intent, together with lawfully adopted rules and regulations, and the provisions of the Ethics and Rules Committee, Plan of Operation; and
10. Assist in instituting and conducting hearings on any matter which cannot be resolved by voluntary compliance and/or remedial action.

§ 3790. Political practices prohibited

The staff shall not, for the purpose of personal gain, use any information or conduct any proceedings for the intent of causing harm or injury to the political standing or reputation of any member of the Navajo Nation Council, the President and Vice-President of the Navajo Nation, or any other employee, or officer of the Navajo Nation.

§ 3791. Office location and hours

- A. The administrative office of the Ethics and Rules Office shall be located in Window Rock, Arizona. Mailing address is as follows: P.O. Box 3390, Window Rock, Arizona 86515.
- B. The office shall be open Monday through Friday, between 8:00 a.m. and 5:00 p.m., in the absence of any directive to the contrary from the Director, Ethics and Rules Office.

§ 3792. Construction

Nothing contained in this Plan of Operation shall be construed to limit the authority of the Ethics and Rules Committee of the Navajo Nation Council and/or their representatives in ensuring adherence to and carrying out the legislative intent of the Navajo Nation *Ethics in Government Law* and the Ethics and Rules Committee's Plan of Operation, and all applicable laws of the Navajo Nation.

§ 3793. Amendments

This Plan of Operation may be amended by the Ethics and Rules Committee of the Navajo Nation Council subject to the approval of Intergovernmental Relations Committee of the Navajo Nation Council.

Chapter 7. Navajo Nation *Ethics in Government Law Garnishment Act of 2005*

Section

- 3800. Title
- 3801. Purpose
- 3802. Findings
- 3803. General
- 3804. Definitions
- 3805. Issuance of writ of garnishment; answer; objection; order
- 3806. Limitations upon transfers by garnishee
- 3807. Possession by judgment debtor
- 3808. Restrictions on discharge from employment by reason of garnishment
- 3809. Exemptions and restrictions
- 3810. Maximum allowable earnings subject to garnishment

§ 3800. Title

This Act shall be entitled and referred to as the Navajo Nation *Ethics in Government Law Garnishment Act of 2005*.

§ 3801. Purpose

The purpose of this Act is to allow the remedy of garnishment in the collection of judgments issued by the Ethics and Rules Committee pursuant to the Navajo Nation *Ethics in Government Law*, 2 N.N.C. §3741 *et seq.*

§ 3802. Findings

The Navajo Nation Council finds that:

- A. The Ethics and Rules Committee of the Navajo Nation Council conducts hearings for alleged violations of the Navajo Nation *Ethics in Government Law*, 2 N.N.C. §3741 *et seq.* These hearings involve public elected officials and Navajo Nation employees.
- B. Sanctions for violations of the Navajo Nation *Ethics in Government Law* include removal from or disqualification for elected office, termination of employment, payment of fines and restitution, reprimand and other penalties.
- C. Nonpayment of fines and restitution ordered pursuant to the *Ethics in Government Law* is a growing concern.

§ 3803. General

- A. The remedy of garnishment shall be available for only collection of civil damages,

restitution, fines, and/or penalties pursuant to a judgment, *i.e.*, order or decision, duly issued under the Navajo Nation *Ethics in Government Law*.

- B. The remedy of garnishment is applicable to any of the following:
 - 1. Nonrestricted earnings owing to a judgment debtor by a garnishee.
 - 2. Nonrestricted assets, including nonrestricted monies, held by a garnishee on behalf of a judgment debtor.
 - 3. Personal property of a judgment debtor that is in the possession of a garnishee.
 - 4. Shares and securities of a corporation or a proprietary interest in a corporation belonging to a judgment debtor, if the garnishee is a corporation.
- C. A judgment creditor, or the Navajo Nation Office of Ethics and Rules on behalf of a judgment creditor, in whose favor a money judgment is awarded by the Ethics and Rules Committee of the Navajo Nation Council for violations of the Navajo Nation *Ethics in Government Law* may apply for writ of garnishment for its enforcement at any time within 10 years after entry of the judgment.
- D. A judgment creditor may apply for as many writs of garnishment as are necessary to collect the entire amount of the judgment.
- E. Jurisdiction over garnishment actions initiated pursuant to a judgment issued under the Navajo Nation *Ethics in Government Law* shall lie solely with the courts of the Navajo Nation.

§ 3804. Definitions

For the purpose of garnishment under this Act, the following words shall have the following meanings, unless the context otherwise requires:

- A. **Assets.** Interests in personal property and monies including, among other items, chattels, cash, bank accounts, securities, notes, and accounts receivable, but not including earnings or interests in real property.
- B. **Disposable Earnings.** That part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be exempted or withheld, *e.g.*, FICA, Medicare, federal income tax.
- C. **Earnings.** Compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus or otherwise.
- D. **Federal Minimum Hourly Wage Rate.** The highest federal minimum hourly wage rate for

an eight-hour day and a 40-hour week. It is immaterial whether the garnishee is exempt from paying the federal minimum hourly wage rate.

- E. Garnishee. The third person or entity, including Navajo Nation enterprises, entities, authorities, and corporations, in control or possession of the earnings or assets which are the subject of the garnishment proceeding.
- F. Garnishment. Legal procedure through which the earnings or any other asset of a judgment debtor are required to be withheld by a third party and, upon subsequent court order, released to a judgment creditor for payment of a debt which has been reduced to judgment under the Navajo Nation *Ethics in Government Law*.
- G. Judgment Creditor. A person or entity, including the Navajo Nation and its branches, divisions, departments, programs, enterprises, boards, commissions, and chapters, that has a money judgment in its favor pursuant to an order or decision duly issued under the Navajo Nation *Ethics in Government Law* that is due and unpaid.
- H. Judgment Debtor. A person against whom a money judgment has been awarded pursuant to an order or decision duly issued under the Navajo Nation *Ethics in Government Law*.
- I. Order of Garnishment. Court order directing the garnishee to pay, transfer and/or release nonrestricted earnings or assets of the judgment debtor in the amount or a portion of the amount stated in the writ of garnishment plus costs and fees to the judgment creditor in a specified manner and at a specified time.
- J. Restricted Earnings and Assets. That portion of earnings and/or assets that are exempt from attachment in a garnishment proceeding, including those earnings and assets deemed exempt and restricted by this Act.
- K. Writ of Garnishment. Preliminary court order issued through the Clerk of Court directing the garnishee not to pay, transfer and/or release nonrestricted earnings or assets of the judgment debtor in the amount or a portion of the amount stated in the writ of garnishment and directing the garnishee to file an answer to the writ of garnishment and directing the garnishee to serve the writ of garnishment on the judgment debtor.

§ 3805. Issuance of writ of garnishment; answer; objection; order

In accordance with the rules for garnishment proceedings, as enacted pursuant to 7 N.N.C. §601:

- A. Upon the filing of a proper petition, a writ of garnishment in the amount of the judgment or portion thereof as stated in the petition shall be issued by the Clerk of Court and directed to the garnishee.
- B. The garnishee shall file an answer to the writ of garnishment and serve the writ of garnishment, as well as the answer, on the judgment debtor.

- C. The judgment debtor or other interested person or entity may file an objection to the writ of garnishment or the answer of the garnishee.
- D. If the answer shows that the garnishee was holding nonexempt monies or personal property of the judgment debtor or that the judgment debtor is an employee of the garnishee entitled to future earnings and if no objection to the writ of garnishment is filed, the court will, without hearing issue an order of garnishment.
- E. If an objection to the writ of garnishment is filed and/or the conditions precedent of Subsection (D) are not met, the court will hear the matter without a jury prior to issuing an order of garnishment or ordering the garnishment stopped.

§ 3806. Limitations upon transfers by garnishee

- A. From and after service of the writ of garnishment and until the court issues the garnishment stopped, the garnishee shall not pay, transfer or release any unrestricted asset in the garnishee's possession or under the garnishee's control to which the judgment debtor has an interest or pay and/or release unrestricted earnings owing to the judgment debtor.
- B. The garnishee shall be liable to the judgment creditor for any such payment, transfer, or release prohibited above.

§ 3807. Possession by judgment debtor

- A. At any time before an order of garnishment is issued, the judgment debtor may take possession of any earnings or assets withheld by the garnishee by filing with the court (1) a bond payable to the garnishee in the amount, including costs and fees, set forth in the application for the writ of garnishment, or (2) a bond payable to the garnishee for the value of the earnings and assets to be garnished. The bond shall be conditioned upon the payment of any judgment that may be given against the garnishee or for payment of the value of the property garnished.
- B. When the judgment debtor provides a bond, he may make any objection which the garnishee could make in such action. With or without bond, the judgment debtor may assert any legal objections he may have to the writ of garnishment.
- C. If judgment debtor takes possession of property under this Section and judgment on garnishment is given in favor of the judgment creditor, it shall be against the judgment debtor and the sureties on the judgment debtor's bond for the amount of such judgment.

§ 3808. Restrictions on discharge from employment by reason of garnishment

- A. No employer may discharge any employee by reason of the fact that his or her earnings

have been subject to garnishment.

- B. An employer who willfully violates Subsection (A) of this Section shall be assessed a civil liability of not more than one thousand dollars (\$1,000) payable to the employee.

§ 3809. Exemptions and restrictions

The following earnings and assets shall be restricted and exempt from garnishment:

- A. Benefits paid by the Social Security Administration;
- B. Railroad retirement benefits under the Railroad Retirement Act of 1974, 45 U.S.C. §231;
- C. Retirement benefits, including Civil Servant's Retirement benefits under 5 U.S.C. §8331 *et seq.* and benefits payable by the Navajo Nation pursuant to Navajo Nation defined contribution and/or defined benefit retirement plans;
- D. Military annuities under 10 U.S.C. §1440;
- E. Social welfare benefits including, but not limited to:
 - 1. Aid to Families with Dependent Children, or its successor; and
 - 2. General Assistance;
- F. All monies received by or payable to the judgment debtor pursuant to a child support order;
- G. Earnings payable by the judgment debtor pursuant to a child support order;
- H. Earnings and assets restricted or excepted under 15 U.S.C. §1671 *et seq.*; and,
- I. Interests in real property.

§ 3810. Maximum allowable earnings subject to garnishment

The maximum amount of earnings subject to garnishment shall not exceed the lesser of:

- A. Fifteen percent (15%) of the judgment debtor's disposable income for any pay period; or
- B. The amount by which the judgment debtor's disposable income exceeds 30 times the federal minimum wage (based on a 40 hour work week) in effect at the time the earnings are payable.

**RESOLUTION OF THE
ETHICS AND RULES COMMITTEE
OF THE NAVAJO NATION COUNCIL**

21ST NAVAJO NATION COUNCIL – FIRST YEAR, 2007

AN ACTION

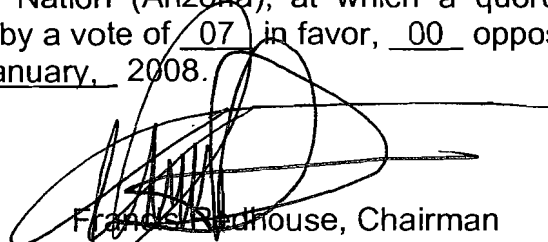
**RELATING TO ETHICS; AMENDING RESOLUTION ERC-98-011,
REGULATIONS AND STANDARDS OF CONDUCT FOR COUNCIL
DELEGATES, BY MAKING SUCH REGULATIONS AND STANDARDS
APPLICABLE TO ALL ELECTED OFFICIALS OF THE NAVAJO NATION**

BE IT ENACTED:

1. The Navajo Nation hereby amends Ethics and Rules Committee Resolution ERC-98-011, *Regulations and Standards of Conduct for Council Delegates*, by making such regulations and standards applicable to all elected officials of the Navajo Nation. See Exhibit "A".
2. The amendments enacted herein shall be effective immediately, provided:
 - (a) *Regulations and Standards of Conduct* enacted by ERC-98-011 shall continue to be applicable to Council Delegates for allegations of misconduct preceding the date of the amendments herein.
 - (b) The *Regulations and Standards of Conduct*, as amended, shall be applicable to all events occurring hereinafter; there shall be no retroactive application to events preceding the date of the amendments.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Ethics and Rules Committee of the Navajo Nation 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 07 in favor, 00 opposed and 00 abstained, this 4th day of January, 2008.



Francis Redhouse, Chairman
ETHICS AND RULES COMMITTEE
NAVAJO NATION COUNCIL

Motion: Preston McCabe
Second: Herman Daniels, Sr.

**ETHICS AND RULES COMMITTEE
OF THE NAVAJO NATION COUNCIL**

**REGULATIONS AND
STANDARDS OF CONDUCT FOR
ELECTED OFFICIALS OF THE
NAVAJO NATION**

Effective January 4, 2008
ERC-08-001

**Regulations and Standards of Conduct for
Elected Officials of the Navajo Nation**

Section One. Purpose

- A. These regulations and standards of conduct for elected officials of the Navajo Nation are adopted pursuant to 2 N.N.C. §3758 which permits the adoption of such supplemental codes of conduct to address issues not covered by the *Ethics In Government Law*, 2 N.N.C. §3741, *et seq.* "Elected Officials" include all officials elected or appointed to elective positions pursuant to the Navajo Nation Election Code, 11 N.N.C §1 *et seq.*
- B. The primary purpose of the *Navajo Ethics in Government Law* is to address and prevent financial malfeasance by officials and employees of the Navajo Nation. As a consequence, the Law does not address many aspects of conduct by elected officials, which should be covered by a standard code of conduct. These regulations adopt such a code and make violations subject to sanction under the law. Sanctions will be the same as those for all other violations of the Law. 2 N.N.C. §§3758, 3780 - 3782.
- C. Elected officials are representatives of the Navajo Nation and are therefore expected to conduct themselves in a manner, which reflects creditably upon the Navajo people and government of the Navajo Nation. This supplemental Code is designed to ensure that all elected officials meet the high standards enumerated herein, which are supported by these expectations.

Section Two. Use of Drugs or Alcohol

- A. The provisions of the *Navajo Nation Policy On Drugs And Alcohol In The Workplace* shall apply to all elected officials. No elected official shall use, or be under the influence of, alcohol or any controlled substance during the performance of any of his or her duties. These provisions shall apply to all official meetings and hearings attended by elected officials, including those meetings and hearings attended outside the Navajo Nation.
- B. Elected officials are subject to removal and other sanctions for the habitual use of drugs or alcohol, particularly if such use impairs or otherwise adversely impacts the performance of official duties of office.
- C. In respect to the regulation governing drugs and alcohol, elected officials, while on official travel, shall conduct themselves in a professional and dignified manner.
- D. All instances involving violations of this section shall be reported to the Ethics and Rules Office within 10 days of occurrence.

Section Three. Courtesy Toward Navajo Nation Employees

- A. Elected officials shall act in a courteous and respectful manner toward all Navajo Nation employees, officials, and members of the public. No elected official shall use his or her elected position to influence such persons to take any action which is solely for the personal benefit of such official or which is contrary to any Navajo Nation law, rule or regulation.
- B. Elected officials shall not request or demand the assistance of any Navajo Nation employee or official to engage in or otherwise participate in any activity which would be an abuse of official position, a violation of trust, or otherwise in excess of authority.

Section Four. Conflict of Interest

- A. Elected officials shall not use their official position to improperly secure privileges for themselves or others, including but not limited to relatives and constituents, which such persons are not otherwise entitled by law to receive.
- B. Conflict of Interest Defined. Conflicts of Interest arise from personal relationships, economic interests and various duties imposed upon elected officials. The following are illustrative examples, designed to provide guidance. This is not an exhaustive list but some examples:
 - 1. Personal Relationships give rise to a conflict of interest when family relationships are involved, such as when a person seeking to secure a contract is related (husband-wife, son-daughter, *etc.*), to the one awarding the contract (decision-maker). The conflict of interest can and should be avoided by the decision-maker by excluding oneself from this decision, including both debate and voting.
 - 2. Economic Interests present conflicts when the decision maker has an economic interest, because of personal or business interests in the outcome of the decision. In the contract scenario above, if the awarding official (delegates approving) a contract can gain from the award, a conflict of interest exists. An example is where an elected official has an interest (for example, ownership, stockholder, *etc.*) in a business seeking a contract; any such official should recuse him or herself from debate or voting on that contract.
 - 3. Multiple Duties arise to create conflicts when elected officials hold other governmental or non-governmental positions that impose duties upon the elected official in the other roles. Members of Boards of Directors have duties to the entity whose board these individuals serve on. A Board Member who is also an elected official should refrain from actions involving that entity while performing functions as an elected official. For example, if an elected official on a Committee is also a Board Member on XYZ non-profit board, that elected official should refrain from voting upon or debating matters brought to the Committee by

XYZ. This will avoid charges involving violations of either the *Ethics in Government Law* or supplemental rules and regulations.

- C. An elected official shall not participate in debate or vote on any matter before any entity of which the elected official is a member by virtue of his or her status as an elected official, in which the elected official has a personal, family or business interest.
- D. Elected officials shall not sponsor nor seek to use their position as elected officials to seek special consideration for any resolution or other proposed matters in which they have a personal, family or business interest. Elected officials shall not seek to influence their fellow elected officials, either directly or through an agent, to take any particular action on a resolution or any other proposed matter in which they have a personal, family or business interest. Likewise, elected officials shall not seek to influence their fellow elected officials to take unfavorable action on any resolution or other proposed action which may be adverse to the elected official's personal, family or business interests.
- E. Elected officials shall not use their official position to intimidate or harass any person. If authorized by law to participate as a member of a hearing body and impose sanctions or penalties, elected officials shall not sanction or penalize any person without due process of law.

Section Five. Disclosure or Use of Confidential Information

No elected official shall disclose or use information designated by applicable law as confidential in any manner prohibited by law nor shall any elected official disclose or use any information discussed in an executive session.

Section Six. Undue or Improper Influence; abuse of official position; violation of trust

- A. Elected officials shall not exercise any undue or improper influence upon any entity of Navajo Nation government. The exercise of oversight, directive, policy-making and all other legal authority of elected officials shall not be deemed or determined to be an exercise of undue or improper influence.
- B. Elected officials shall not engage in any activity, which would be an abuse of official position or a violation of trust.

Section Seven. Unauthorized Compensation

An elected official shall not claim nor receive any form of compensation for meetings or other business which he or she did not attend for the minimum amount of time required by law. Elected officials may claim and receive any partial compensation allowed by law.

Section Eight. Sexual Harassment

A. Navajo Nation Personnel Policies protect Navajo Nation employees - male or female - against unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. Elected officials shall not engage in any conduct, which would be, or could reasonably be perceived to be unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. This policy against sexual harassment prohibits:

1. Repeated sexual flirtations, gestures, advances or demands for sexual favors.
2. Continued or repeated verbal abuse of a sexual nature, sexually related comments and joking, degrading comments about an individual's appearance, or the display of sexually suggestive objects or pictures.
3. Any uninvited physical contact or touching such as patting, pinching, or constant brushing against another body.
4. Any demand for sexual favors that is accompanied by either a promise of favorable job treatment or a threat concerning either the individuals employment or any matter he or she wishes to discuss with the elected official.

B. In addition to filing a complaint in accordance with the Navajo Nation *Ethics in Government Law*, 2 N.N.C §3741, *et seq.*, any employee of any entity of the Navajo Nation who feels that he or she is a victim of sexual harassment by an elected official should immediately report the matter in writing to his or her immediate supervisor and the chairperson of the entity the accused serves on and provide a copy to the Ethics and Rules Office.

TAX FILED
4/8/14

IN THE DISTRICT COURT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF WINDOW ROCK, ARIZONA

THE NAVAJO NATION,)	
)	
Plaintiff,)	
)	
v.)	No. WR-CR-156-14 to -161-14
)	
LAURA CALVIN,)	MOTION TO RECONSIDER
)	APRIL 4, 2014 ORDERS
Defendant.)	DISMISSING COMPLAINTS
)	
_____)	

**MOTION TO RECONSIDER APRIL 4, 2014 ORDERS
DISMISSING COMPLAINTS**

The Navajo Nation, by and through its Special Prosecutor, respectfully requests that the Court reconsider the Orders entered on April 4, 2014 dismissing the six criminal cases against Defendant Laura Calvin. Given that Navajo law unequivocally assigns to the Special Prosecutor the discretion to enforce 2 N.N.C. § 3745 with misdemeanor punishment, the Navajo Nation requests that the Court reconsider the legal conclusion that 2 N.N.C. § 3745 can be enforced only as a matter of civil law and with a civil remedy.

Subchapter 2 of Title 2 of the Navajo Code is entitled "Standards of Conduct and Restricted Activities of Public Officials and Employees." Section 3745 is the second statutory provision of Subchapter 2 and describes the general prohibitions and the conflicts of interest that public officials and employees are prohibited from participating in under Navajo law. The "Sanctions and Penalties" for violating any Navajo Nation Ethics in Government law are listed in Subchapter 5 of the Navajo Nation Ethics in Government Law.

Any doubt that criminal proceedings can be brought to enforce 2 N.N.C. § 3745 is eliminated under Subsection 5 by the plain language of 2 N.N.C. § 3782, the criminal enforcement provision for any violation of 2 N.N.C. § 3745. Under 2 N.N.C. § 3782, the “Navajo Nation, through the Office of the Prosecutor or Special Prosecutor shall be responsible for the enforcement” of incarceration for any violation of 2 N.N.C. § 3745. The incarceration provision allows the Navajo Nation, through the Office of the Special Prosecutor, to use the penalty of incarceration to enforce “any provision of Subchapter 2 of this Chapter.” *See* 2 N.N.C. § 3782(A). The only way such enforcement can be accomplished fairly is by bringing a criminal case. Under 2 N.N.C. § 3782(A), any “person who is convicted or found guilty of knowingly and willfully violating any provision of Subchapter 2 . . . is guilty of a misdemeanor and for a first offense shall be fined not more than five hundred dollars (\$500.00) and may be sentenced to imprisonment for not more than 180 days, or both.” As 2 N.N.C. § 3745—the law that Defendant Calvin allegedly violated—is within Subchapter 2, any violation of that law may be enforced by the Special Prosecutor under 2 N.N.C. § 3782(A). Section 3782(A)’s use of the terms “convicted,” “imprisonment,” “found guilty,” and misdemeanor all speak to the criminal, not civil, process that is discussed under 2 N.N.C. § 3781(A).

It is for Defendant Calvin’s benefit that this matter be brought as a criminal case. The burden of proof for the Navajo Nation in the criminal setting is much higher than it is in the civil arena. If the punishment of incarceration outlined under 2 N.N.C. § 3782(A) could be satisfied by an ordinary civil standard of proof, then Defendant Calvin could be ordered to serve a period of incarceration if the Navajo Nation satisfied its burden of proof by a preponderance of the evidence, rather than by proof beyond a reasonable doubt that is required in the criminal setting. *See* 17 N.N.C. § 206 (stating that no “person may be convicted of an offense unless each element

of such offense is proved beyond a reasonable doubt”). The Navajo Nation does not believe that the drafters of 2 N.N.C. § 3782(A) intended for a civil standard of proof to apply given that the law provides for incarceration of not more than 180 days and a fine of not more than \$500. The penalty of incarceration justifies all of the protections that the criminal process affords Defendant Calvin.

The other penalty provisions under Subsection 5 of Chapter 6 under Title 2 support this view. For instance, 2 N.N.C. § 3780 allows for administrative sanctions and collections of judgments. The next section of the code then sets forth “civil damages” for an individual who violates 2 N.N.C. § 3745, and states that “any public official or employee who realizes an economic benefit as a result of a violation of any prohibition or restriction set forth in Subchapter 2 and 3 of this Chapter shall be liable to the Navajo Nation for civil damages in an amount not exceeding three times the amount or value of the benefit or benefits so obtained.” See 2 N.N.C. § 3781(A)(2). The most important aspect of 2 N.N.C. § 3781(A), which provides for civil damages, is that the law states that any person liable for violating Navajo Ethics laws shall be subject to the treble damage clause “without regard to the imposition of any administrative sanction or *criminal conviction*.” (Emphasis added.) From this language it is clear that Sanctions and Penalties provisions of Subsection 5 indeed contemplates a “criminal conviction” as one possible outcome for a violation of 2 N.N.C. § 3745.

Wherefore, for the reasons discussed above, the Navajo Nation respectfully requests that the Court reconsider the Orders filed on April 4, 2014, and hold that criminal jurisdiction indeed

exists under 2 N.N.C. § 3782 to prosecute any alleged violation of 2 N.N.C. § 3745 as is the case for the six criminal complaints filed against Defendant Calvin.

**ROTHSTEIN, DONATELLI, HUGHES,
DAHLSTROM, & SCHOENBURG, LLP**

By: 

MARC LOWRY, ESQ.
500 4th Street N.W., Suite 400
Albuquerque, New Mexico 87102
(505) 243-1443
mlowry@rothsteinlaw.com

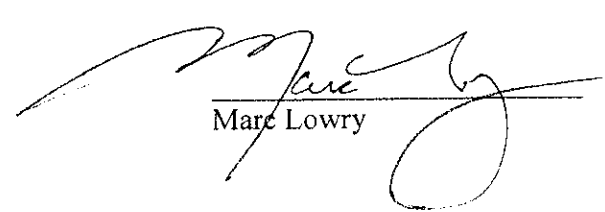
ERIC N. DAHLSTROM, ESQ.
80 E. Rio Salado Parkway, Suite 710
Tempe, AZ 85281
(480) 921-9296
edahlstrom@rothsteinlaw.com

RICHARD W. HUGHES, ESQ.
MARK H. DONATELLI, ESQ.
1215 Paseo De Peralta
P.O. Box 8180
Santa Fe, New Mexico 87504
(505) 988-8004
rwhughes@rothsteinlaw.com
mhd@rothsteinlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was faxed this 8th day of April, 2014 to:

Richard Wade, Esq.
Advocate Law Center, P.A.
821 Ford Drive
Gallup, New Mexico 87301
505-722-0531 (fax)


Marc Lowry

4/9/14

FILED
APR 9 2014
FBI

Richard C. Wade, Esq.
Advocate Law Center, P.A.
821 Ford Drive
Gallup, NM 87301
505-722-2055 Office

IN THE FAMILY COURT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF WINDOWROCK, ARIZONA, NAVAJO NATION

THE NAVAJO NATION,

Plaintiff,

v.

No. WR-CR-156-14 THROUGH WR-CR-161-14

LAURA CALVIN,

Defendant.

DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION TO SET ASIDE DISMISSAL

Defendant, Laura Calvin, by and through counsel, Advocate Law Center, P.A.

(Richard C. Wade) moves the Court to maintain its dismissal of this case and deny Plaintiff's Motion for the following good reasons:

THE COURT CORRECTLY IDENTIFIED THAT THE ALLEGATIONS ARE CIVIL AND NOT CRIMINAL.

1. Chapter 6, Navajo Nation Ethics in Government Law, must be read and interpreted within the context of the entire law, and not parsed by focus on one code section or subsection of a Chapter to the exclusion of the entire law. Section 3742 clearly articulates the desire of the Navajo Nation to adhere to certain "Standards of Conduct." See 2 N.N.C. §3742. The Law establishes a means to set ethical standards and conduct to which Navajo Nation governmental leaders should follow and aspire. The Law sets

standards and conduct designed to protect the Navajo from government actions

"resulting from, or affected by, undue influences or conflicts of interest. See

2 N.N.C. §3742.

Nothing in the legislation's purpose and intent suggests the Navajo Nation intended to the Law to criminalize violations of the Law. The Navajo Nation has a separate criminal code which may be found in Title 17, Law and Order of the Navajo Nation Code Annotated. Had the Navajo Nation intended to criminalize violations of the Ethics Law, standards of conduct and ethics, it would have put those criminal violations within Title 17.

The code section upon which the Special Prosecutor relies does not fall within Title 17. See 2 N.N.C. §3745 upon which the Plaintiff relies. Instead it falls within Title 2 which concerns itself with administrative operations of Navajo government. Chapter 6 of Title 2 specifically concerns itself with administrative functions, not criminal acts and penalties for criminal acts.

2 N.N.C. §3770 clearly states "The Committee, in the capacity of a quasi-judicial body, shall conduct administrative hearings on any alleged violation or noncompliance." 2 N.N.C. §3772(A). The "committee" referenced is the Ethics and Rules Committee of the Navajo Nation Council. See 2 N.N.C. §3743(D). See also 2 N.N.C. §3766(D) and (E). Clearly, violations of the ETHICS IN GOVERNMENT LAW first are addressed by the Committee and not in District Court. Also, clearly the Committee addresses alleged violations as an administrative procedure, not a criminal procedure.

2 N.N.C. §3777, relied upon by the Special Prosecutor, refers to "any administrative proceeding." The special prosecutor may act with the "committee," but does not supplant the committee. Further, guidance can be taken from 2 N.N.C. §3777(B) which states "In the event any administrative proceeding under this Chapter . . . shall abate and shall be dismissed without prejudice, as to any common allegation of prohibited conduct," the Special Prosecutor may continue to pursue any other complaint filed under different code sections (e.g. Title 17). However, the violations of the Navajo Nation ethics In Government Law are heard as administrative proceedings as described in 2 N.N.C. §3770.

2. THE SPECIAL PROSECUTOR HAS EXCEEDED ITS MANDATE AND AUTHORITY IN BRINGING A COMPLAINT PUSUANT TO THE NAVAJO NATION ETHICS IN GOVERNMENT LAW.

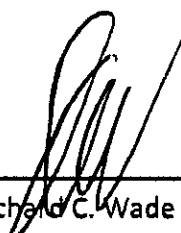
See Paragraph 1 by reference above. It is the committee, acting in the capacity as a complainant, that may bring an action under the Law. The Special Prosecutor acts to "enforce" specific sanctions found by the committee as "convictions" under the Law. These sanctions are administrative in nature. See specifically 2 N.N.C. §3770.

3. THE COMMITTEE MAY IMPOSE A WIDE RANGE OF SANCTIONS THAT ARE NOT CRIMINAL

The committee has a range of sanctions available listed in 2 N.N.C. §3780 and 2 N.N.C. §3781. The Special Prosecutor is responsible for "enforcement" of administrative sanctions when a person convicted under the Law has a misdemeanor imposed. See 2 N.N.C. §3782. The committee, by no means, is limited to a misdemeanor as a sanction.

The committee will act as a "complainant," conduct an administrative hearing, and impose whatever administrative, not criminal, sanctions are imposed upon any convictions. It is the committee that should bring an action filed under this Law, not the Special Prosecutor.

WHEREFORE, Defendant respectfully requests the Court to Deny Plaintiff's Motion to Set Aside the Court's dismissal of this case.



Richard C. Wade
Advocate Law Center, P.A.
Attorney for Defendant

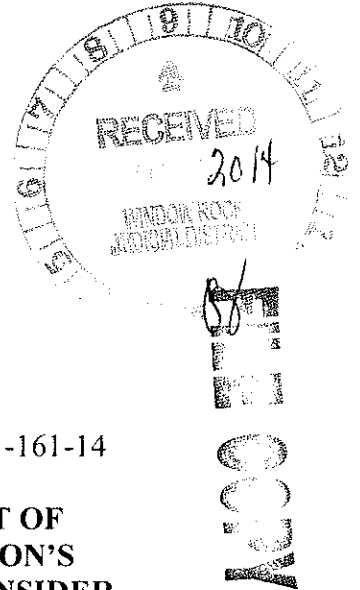
Certificate of Service

I HEREBY certify that a true and correct copy of the foregoing pleading was mailed by first class mail on Opposing Parties on this 9th day of April, 2014 to: Marc Lowry, Esq., 500 4th Street N.W., Suite 408, Albuquerque, NM 87102; Eric N. Dahlstrom, Esq. 80 E. Rio Salado Parkway, Suite 305 Tempe, AZ 86281, Richard W. Hughes, Esq. Mark H. Donatelli Esq., 1215 Paseo De Peralta, P.O. Box 8180, Santa Fe, N.M. 87504.



Richard C. Wade

IN THE DISTRICT COURT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF WINDOW ROCK, ARIZONA



THE NAVAJO NATION,)
)
Plaintiff,)
)
v.)
)
LAURA CALVIN,)
)
Defendant.)
_____)

No. WR-CR-156-14 to -161-14

**REPLY IN SUPPORT OF
THE NAVAJO NATION'S
MOTION TO RECONSIDER
APRIL 4, 2014 ORDERS
DISMISSING COMPLAINTS**

The Navajo Nation, by and through its Special Prosecutor, respectfully files this Reply Brief in order to address Defendant Calvin's April 9, 2014 Response to Plaintiff's Motion to Set Aside Dismissal. On April 11, 2014, Defendant Calvin also filed a Request for Setting, seeking an hour of the Court's time to argue this issue. Defendant Calvin's request for a hearing to argue this issue is largely a moot point, since the Court ruled on the Navajo Nation's motion to reconsider the dismissal of Defendant Calvin's criminal complaints on April 10, 2014, just after Defendant Calvin tendered her response. Nonetheless, as the controlling Navajo Nation law on this issue, 2 N.N.C. § 3779, has yet to be addressed by the parties, the Navajo Nation is filing this Reply to ensure that the record is complete and to alert the Court to the fact that the reinstatement of the criminal charges against Defendant Laura Calvin is legally correct.

**I. TITLE 2 OF THE NAVAJO NATION CODE UNEQUIVOCALLY PROVIDES
THE SPECIAL PROSECUTOR WITH THE AUTHORITY TO USE CRIMINAL
PROCEDURE TO ADDRESS ETHICS VIOLATIONS AND SEEK CRIMINAL
SANCTIONS, INCLUDING INCARCERATION AND FINES AGAINST INDIVIDUALS**

On April 9, 2014, Defendant Calvin filed her Response brief, and argued to the Court that "[n]othing in the legislation's purpose and intent suggests the Navajo Nation intended to the Law

[sic] to criminalize violations of the Law.” See Response, unnumbered page 2. This passage of Defendant Calvin’s brief, however, grossly misstates of the intent of the purpose of the Ethics laws, and ignores the key provision Chapter 6 of the Navajo Nation Ethics in Government Law, as codified under Subchapter 4 and entitled, in part, “Implementation and Compliance with Ethics in Government Law.” That key law is 2 N.N.C. § 3779, and is entitled “Other relief not barred.” This law reads as follows:

Nothing herein shall be construed as foreclosing the right of the Navajo Nation, through a Special Prosecutor or otherwise, to initiate proceedings to secure the relief and sanctions referred to in §§ 3781 or 3782 of this Chapter.

This language recognizes that of the three kinds of procedures available to enforce violations of Ethics law, that is administrative, 2 N.N.C. § 3780 (entitled “Administrative sanctions”), civil, 2 N.N.C. § 3781 (entitled “Other civil damages”), and criminal, 2 N.N.C. § 3782 (entitled “Misdemeanor violations; punishments”), nothing that the Committee¹ does can interfere with the Special Prosecutor’s discretion to bring civil or criminal cases in order to vindicate serious lapses in the Navajo Nation’s Ethics laws. In short, Defendant Calvin is absolutely misguided to suggest, as she does, that the purpose of the Ethics Laws was to have the Special Prosecutor follow the Committee’s decisions about how to proceed in a given case. The Special Prosecutor can seek civil or criminal penalties under 2 N.N.C. § 3779 without seeking the counsel of the Committee at all.

Evidence of that authority exists in the plain language of the statute, which states:

“Nothing herein shall be construed as foreclosing the right of the Navajo Nation, through a Special Prosecutor . . . to initiate proceedings to secure relief and sanctions referred to in §§ 3781

¹ Of course, the Ethics and Rules Committee addressed in these laws no longer exists, and is now the Naabik’ iyati Committee.

² Defendant Calvin is once again wrong when she states that it “is the committee, acting in the capacity as a complainant, that may bring an action under the Law.” See Response at unnumbered page 3, ¶ 2. Only the “Ethics and Rules Office shall act in the capacity of

or 3782.” In other words, nothing in Subchapter 4 limits the right of the Special Prosecutor to bring criminal charges as was done in this case against Defendant Calvin. Defendant Calvin’s argument to the contrary lacks merit.

II. THE SPECIAL PROSECUTOR MAY TAKE OVER ADMINISTRATIVE CASES THAT FALL UNDER ITS JURISDICTION, AND THE LAW STATES THAT THIS RIGHT IS “UNCONDITIONAL”

Even in the case of administrative actions, the Special Prosecutor enjoys the unilateral right to manage any case within the Special Prosecutor’s jurisdiction, including filing complaints, prosecuting complaints, and exercising “*an unconditional right* to intervene and be substituted as the complainant in any proceeding pending under this Chapter, without regard to the stage of the proceedings.” *See* 2 N.N.C. § 3777(A) (emphasis added). Thus, Defendant Calvin incorrectly claims that the “special prosecutor may act with the “committee,” but does not supplant the committee,” *see* Response at unnumbered page 3, ¶ 1, as the law clearly gives the Special Prosecutor the “*unconditional right*” to substitute itself for the complainant in any administrative case.² This unconditional right means that the Special Prosecutor does not have to defer to the will of the Committee when enforcing the Ethics laws.

The Special Prosecutor’s role is not limited to enforcing sanctions either, as Defendant Calvin suggests. *See* Response at unnumbered page 3, ¶ 2. As seen in 2 N.N.C. § 3777(A), the Special Prosecutor may file a complaint, may prosecute a complaint, and may take over any complaint in the administrative venue that is under the Special Prosecutor’s jurisdiction. In addition to administrative actions, the Special Prosecutor may “*initiate proceedings to secure*” civil or criminal relief under 2 N.N.C. §§ 3781 & 3782. Defendant Calvin’s argument that the

² Defendant Calvin is once again wrong when she states that it “is the committee, acting in the capacity as a complainant, that may bring an action under the Law.” *See* Response at unnumbered page 3, ¶ 2. Only the “Ethics and Rules Office shall act in the capacity of complainant” on administrative matters heard before the committee. 2 N.N.C. § 3770(B).

Special Prosecutor must only enforce sanctions that have been previously secured by the Committee finds no support in the laws of the Navajo Nation. Tellingly, Defendant Calvin has failed to cite any language in the Navajo laws that supports her view that the role of the Special Prosecutor is limited to the enforcement of administrative sanctions after a person convicted in an administrative hearing has a misdemeanor punishment imposed. As seen in 2 N.N.C. § 3779, the Special Prosecutor's role is to initiate the criminal proceedings, and nothing in the Ethics laws forecloses the Special Prosecutor from doing so.

WHEREFORE, for the reasons discussed above, as well as in the original motion, the Navajo Nation respectfully requests that Defendant Calvin's arguments be summarily denied, and that the Court deny as moot her request for oral argument on this issue.

**THE OFFICE OF THE SPECIAL PROSECUTOR
FOR THE NAVAJO NATION**

**ROTHSTEIN, DONATELLI, HUGHES,
DAHLSTROM, & SCHOENBURG, LLP**

Date: April 21, 2014

By: 

MARC LOWRY, Esq.
500 4th Street N.W., Suite 400
Albuquerque, New Mexico 87102
(505) 243-1443
mlowry@rothsteinlaw.com

ERIC N. DAHLSTROM, ESQ.
80 E. Rio Salado Parkway, Suite 710
Tempe, AZ 85281
(480) 921-9296
edahlstrom@rothsteinlaw.com

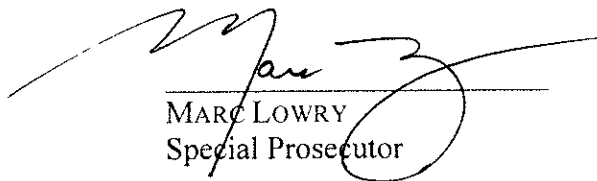
RICHARD W. HUGHES, ESQ.
MARK H. DONATELLI, ESQ.
1215 Paseo De Peralta
P.O. Box 8180
Santa Fe, New Mexico 87504
(505) 988-8004
rwhughes@rothsteinlaw.com
mhd@rothsteinlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was hand delivered this 21th day of

April, 2014 to:

Richard Wade, Esq.
Advocate Law Center, P.A.
821 Ford Drive
Gallup, New Mexico 87301
505-722-0531 (fax)



MARC LOWRY
Special Prosecutor

Richard C. Wade, Esq.
Advocate Law Center, P.A.
821 Ford Drive
Gallup, NM 87301
505-722-2055 Office

IN THE FAMILY COURT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF WINDOWROCK, ARIZONA, NAVAJO NATION

THE NAVAJO NATION,

Plaintiff,

v.

No. WR-CR-156-14 THROUGH WR-CR-161-14

LAURA CALVIN,

Defendant.

SUR REPLY TO PLAINTIFF'S REPLY IN SUPPORT OF THE NAVAJO NATION'S MOTION TO
RECONSIDER APRIL 4, 2014 ORDERS DISMISSING COMPLAINTS

Defendant, Laura Calvin, by and through counsel, Advocate Law Center, P.A. (Richard C. Wade), states the following in reply.

- I. Plaintiff argues "Title 2 of the Navajo Nation Code Unequivocally Provides The Special Prosecutor With The Authority To Use Criminal Procedure to Address Ethics Violations and Seek Criminal Sanctions, Including Incarceration and fines Against Individuals." Defendant agrees in part with Plaintiff's contention, but disagrees in significant part to the Special Prosecutor's overall broad interpretation and contention that "criminal procedure" and "Criminal Sanctions" are authorized as sanctions for violations of the Navajo Nation Ethics In Government Law, and that the venue for a hearing is the district court.

A. Special Prosecutor's Power and Authority.

1. 2 N.N.C. 2023

The Special Prosecutor "shall have full power and authority to appear before any court of the Navajo Nation..." 2 N.N.C. 2023(B). The Special Prosecutor also "shall have power and independent authority to initiate or participate in any proceeding pursuant to 2 N.N.C. §§ 3751-3761 or before the Board of Election Supervisors, the Tax Commission or the Labor Commission with respect to any matter within his or her jurisdiction." 2 N.N.C. § 2023(C). Section 2 N.N.C. § 2023(D) gives the Special Prosecutor authority, subject to authorization of the Navajo Nation Council, to pursue federal or state court or administrative body matters. 2 N.N.C. § 2023(D). Nothing in 2 N.N.C. § 2023 specifically gives the Special Prosecutor any authority to prosecute violations of the Navajo Nation Ethics in Government Law in Subchapter 5. Nothing in this general power and authority section gives the Special Prosecutor power or authority to prosecute a violation of 2 N.N.C. § 3745, Conflicts of Interest, found with the Navajo Nation Ethics In Government Law.

2. 2 N.N.C. § 3777

"Notwithstanding any provision in this Chapter, any Special Prosecutor appointed pursuant to 2 N.N.C. §§ 2021 -2024 shall have the following powers and authority in connection *with any administrative proceeding* under this

Chapter, exercisable in the name of the Navajo Nation, with respect to any matter within such Special Prosecutor's jurisdiction:

- (1) To file a complaint ***with the Committee*** alleging a violation of this Chapter by any person thereto;" 2 N.N.C. § 3777(A)(1) (*emphasis added*).

Note that the section gives the Special Prosecutor the power and authority to file the complaint, but specifically states the complaint is an "administrative proceeding" filed with "the committee." This section does give the Special Prosecutor authority to prosecute in "any administrative proceeding." Violations of the Navajo Nation Ethics in Government Law are administrative proceedings. See 2 N.N.C. § 3766. Therefore, the Special Prosecutor does have the authority to prosecute a violation of 2 N.N.C. § 3745 as an "administrative" proceeding. Nothing within this statute section refers to those actions pursuant to the Navajo Nation ethics In Government Law as "criminal" proceedings. Moreover, the venue for those actions is before the Ethics and Rules Committee, following the rules it promulgates, and not before a district court, and following the rules of criminal procedure. See 2 N.N.C. § 3766.

B. Navajo Nation Ethics In Government Law

1. Initiation of a Complaint Pursuant to the Navajo Nation Ethics in Government Law.

The Ethics and Rules Committee of the Navajo Nation Council has the authority to initiate complaints filed with the Ethics and Rules Office, and to conduct Administrative Hearings to determine violations or noncompliance with this Chapter. All Committee hearings shall follow rules of Procedures established and adopted by the Committee. 2 N.N.C. § 3766(D) & (E). The Special Prosecutor also can initiate and prosecute complaints filed with the Ethics and Rules Office and act as the complainant in Administrative Hearings to determine violations or noncompliance with this chapter. 2 N.N.C. § 3777(A)(1) and 2 N.N.C. § 3766(D) &(E).

C. Sanctions Available For Violations of the Navajo Nation Ethics in Government Law.

The Committee (not a district court) has available to it administrative sanctions (2 N.N.C. § 3780); civil damages (2 N.N.C. § 3781); and Misdemeanor violations (2 N.N.C. § 3782). The Special Prosecutor may request any or all of the sanctions, but it is in an administrative hearing before the Ethics and Rules Committee, and pursuant to rules promulgated by that committee, and not before the district court following civil and criminal rules of procedure. 2 N.N.C. § 3766(D) & (E).

D. The District Court does not have subject-matter jurisdiction.

The Special Prosecutor is correct in asserting that the special prosecutor has the authority to prosecute a violation of the Navajo Nation Ethics in Government Law,

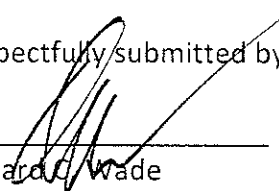
and does have the authority pursuant to that Law to prosecute misdemeanor violations as a sanction (2 N.N.C. § 3782), but is incorrect in asserting that this administrative action gives the district court jurisdiction to hear the case. The Navajo Nation Ethics in Government Law makes express that these administrative hearings will be heard by the Ethics and Rules Committee in an administrative hearing. See 2 N.N.C. § 3766(D) & (E); 2 N.N.C. § 3777(A)(1). The district court does not have subject-matter jurisdiction given to it anywhere within the Navajo Nation Ethics in Government Law. In at least one Navajo Nation Supreme Court case, the Court declined to take jurisdiction to review a final decision of the Ethics and Rules Committee where the committee had found that a Council Delegate had violated the Navajo Nation Ethics in Government Law. Vandever v. Navajo Nation Ethics and Rules Office, No. SC-CV-55-98 (Navajo 10/20/1998). In ruling on the Court's ability to take jurisdiction, the Court said "any statutory grant of jurisdictional power should be explicit." *Id.* at ¶ 18. No statute within the Navajo Nation Ethics in Government Law expressly or explicitly provides that the district court has jurisdiction in ethics violation cases. Defendant only is charged with allegations of violations of a single ethics section, 2 N.N.C. § 3745.

- E. **Nothing within 2 N.N.C. § 3779 suggests or expressly states that the Special Prosecutor has the right to secure relief and sanctions outside of the proceedings expressly provided for by the Navajo Nation Ethics in Government Law.** This section should be interpreted as expressly stating the Special Prosecutor may seek, from the Ethics and Rules Committee, any one or combination of all administrative,

sanctions, civil damages, and/or misdemeanor violations. It does not expressly expand the Special Prosecutor's authority to seek those sanctions in district court or any other forum other than the Ethics and Rules Committee, or to circumvent the entire procedure outlined for prosecution of violations of the Navajo Nation Ethics in Government Law. If the Council had intended to extend prosecution for violations of the Navajo Nation Ethics in Government Law to forums outside of the provisions of that Law, it would have expressly stated such. Nothing limits the Special Prosecutor from seeking criminal charges pursuant to Title 17 that may relate to ethics violations.

WHEREFORE, for the reasons stated above, Defendant respectfully requests the court to find that it does not have subject-matter jurisdiction in the above-captioned case, and to affirm its original *sua sponte* decision to dismiss the case. Nothing in such a dismissal will foreclose the Special Prosecutor from filing a case in an appropriate venue for criminal charges.

Respectfully submitted by



Richard C. Wade
Attorney for Defendant

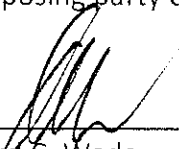
PARTIES ENTITLED TO THIS NOTICE

Richard C. Wade
821 Ford Drive
Gallup, NM 87301
Attorney for Defendant

Marc Lowry
500 4th Street NW, Suite 400
Albuquerque, NM 87102
Attorney for Plaintiff

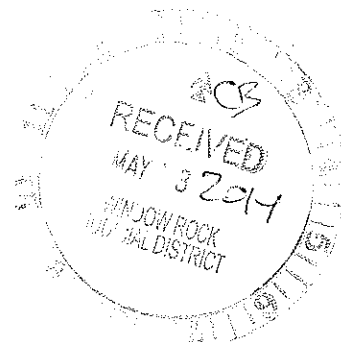
CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed to the opposing party on this 25th day of April, 2014.



Richard C. Wade

IN THE DISTRICT COURT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF WINDOW ROCK, ARIZONA



FILED
COPY

THE NAVAJO NATION,)	
)	No. WR-CR-156-14 to -161-14
Plaintiff,)	
)	NAVAJO NATION'S
v.)	SUPPLEMENTAL BRIEFING
)	CONCERNING THE SPECIAL
LAURA CALVIN,)	PROSECUTOR'S AUTHORITY TO
)	PROSECUTE CRIMINAL
Defendant.)	VIOLATIONS OF THE ETHICS IN
)	GOVERNMENT LAW IN
_____)	DISTRICT COURT

**NAVAJO NATION'S SUPPLEMENTAL BRIEFING CONCERNING THE SPECIAL
PROSECUTOR'S AUTHORITY TO PROSECUTE CRIMINAL VIOLATIONS OF THE
ETHICS IN GOVERNMENT LAW IN DISTRICT COURT**

The Navajo Nation, by and through its Special Prosecutor, submits supplemental briefing requested by the Court to address its unambiguous statutory authority to prosecute criminal violations of the Ethics in Government Law against Defendant Laura Calvin in the District Court. For the reasons discussed below, the Navajo Nation contends that the Court should allow the cases against Defendant Calvin to proceed. The Navajo Nation incorporates all arguments made in its *Motion to Reconsider April 4, 2014 Orders Dismissing Complaint*, filed April 8, 2014, and its *Reply in Support of the Navajo Nation's Motion to Reconsider*, filed April 21, 2014, herein.

I. THE NAVAJO NATION CODE PROVIDES CLEAR STATUTORY AUTHORITY FOR THE SPECIAL PROSECUTOR TO PROSECUTE CRIMINAL VIOLATIONS OF THE ETHICS IN GOVERNMENT LAW IN DISTRICT COURT.

A. UNDER 2 N.N.C. § 3779, THE SPECIAL PROSECUTOR HAS AUTHORITY TO INITIATE CRIMINAL PROCEEDINGS, OUTSIDE OF THE ADMINISTRATIVE LAW CONTEXT FOR ETHICS VIOLATIONS.

Subchapter 4 of the Navajo Nation Ethics in Government Law (“EIG Law”) unambiguously provides the Office of the Special Prosecutor (“Special Prosecutor”) with the authority to criminally prosecute criminal EIG Law violations in District Court. Defendant Laura Calvin ignores the clear language in Subchapter 4 when she argues that the Special Prosecutor can only initiate EIG Law violations before the “Ethics and Rules Committee.”¹

As noted by Defendant Calvin, the EIG Law provides the Special Prosecutor with the power and authority to pursue EIG complaints in administrative proceedings. *See* 2 N.N.C. § 3777. However, the Special Prosecutor’s authority to prosecute violations of EIG Law is not limited by this section. The EIG Law specifically provides the Special Prosecutor with the authority, beyond the administrative venue, to bring criminal prosecutions for violations of the EIG Law. Section 3779, which immediately follows the above provision discussing the Special Prosecutor’s authority within administrative proceedings, provides that:

¹ As she has done throughout all of the briefing on this matter, Defendant Calvin continues to incorrectly argue that the “Ethics and Rules Committee has sole subject-matter jurisdiction to hear cases involving alleged violations of the Navajo Nation Ethics in Government Law, . . .” *See proposed Order of Dismissal*, filed on May 7, 2014. The Office of Hearings and Appeals, not the Ethics and Rules Committee, handles ethics hearings under the EIG law. *See* Navajo Nation Council Resolution CAP-10-11, 22nd Navajo Nation Council-First Year 2011 (Navajo Nation Council April 21, 2011). The Navajo Nation has replaced references to the Ethics and Rules Committee with references to the Office of Hearings and Appeals when citing and discussing provisions of the EIG Law.

Nothing herein shall be construed as foreclosing the right of the Navajo Nation, through a Special Prosecutor or otherwise, to initiate proceedings to secure the relief and sanctions referred to in §§ 3781 or 3782 of this chapter.

(emphasis added)

Section 3779 expressly provides the authority for the Special Prosecutor to file or initiate prosecutions for violations of the EIG Law outside of the administrative context and seek either criminal or civil sanctions as provided for under §§ 3781 or 3782,² without pursuing any administrative remedy at all. As the OHA cannot impose criminal sanctions and the District Courts of the Navajo Nation have original jurisdiction over all criminal and statutory proceedings, both of which are discussed in more detail below, the Special Prosecutor must initiate the EIG Law prosecutions in District Court.

B. THE EIG LAW RESTRICTS THE OHA'S AVAILABLE SANCTIONS TO CIVIL AND ADMINISTRATIVE REMEDIES, AND REQUIRES THAT A CRIMINAL VIOLATION OF THE EIG LAW BE FILED BY A PROSECUTOR OR SPECIAL PROSECUTOR.

A criminal prosecution of EIG Law violations must be initiated by a Prosecutor or Special Prosecutor in District Court. This is because enforcement of the misdemeanor violation section of the EIG Law is under the jurisdiction of the Prosecutor or Special Prosecutor and the OHA has no authority to adjudicate criminal cases under the EIG Law.

The EIG Law acknowledges that criminal violations should be referred to another entity for action. Under 2 N.N.C. § 3770:

[t]he Hearing body may impose or recommend any sanctions, civil damages, restitution, or other penalties provided in this chapter, **or refer their findings to other appropriate entities for action.**

See id. at (C) (emphasis added). Contrary to Defendant Calvin's position that the OHA has sole

² The Special Prosecutor has authority to initiate a criminal complaint under the Special Prosecutor's Act. 2 N.N.C. § 2023(E).

Jurisdiction to adjudicate violations of the EIG Law, there are some actions that OHA does not have any authority to take, like criminal prosecutions. This is consistent with 2 N.N.C. § 3782, the provision of the EIG Law providing authority for the prosecution of misdemeanor violations of the EIG Law. Misdemeanor violations of the EIG Law can only be enforced through the Office of the Prosecutor or the Special Prosecutor. 2 N.N.C. § 3782.

Furthermore, OHA's authority is limited specifically by statute to imposing non-criminal sanctions. Under 2 N.N.C. § 3780, the OHA "may impose any or all of the following penalties or sanctions:"

1. Removal, discharge or termination from public office or employment in accordance with applicable Navajo Nation law and procedure.
2. Disqualification for all elective public offices of the Navajo Nation and/or appointment to or employment in any public office of the Navajo Nation, for five (5) years from the effective date of removal, discharge or any other termination of public office or employment of the Navajo Nation.
3. Suspension from public office or employment and forfeiture of all compensation and benefits accruing therefrom, for not less than thirty (30) days nor for more than one (1) year.
4. Accordingly, any public employee of the Navajo Nation shall be subject to discipline, including suspension without pay or other benefits and dismissal as provided by other laws, regulations and personnel policies or procedures applicable thereto.
5. Issuance of a written public reprimand, which shall be entered into such person's permanent record of employment or office and upon the permanent record of the public office or entity of which such person is a member or employee, according to provision of applicable Navajo Nation law and procedures.
6. Issuance of a private reprimand to such person, with or without suspension of any or all other sanctions provided herein.
7. Imposition of restitution or such other civil penalties as hereinafter provided under § 3781.

Notably, while § 3780 specifically incorporates § 3781, which provides for treble civil damages, it does not incorporate § 3782, which provides for the criminal sanction of incarceration. *See* § 3782 (“The Navajo Nation **through the Office of the Prosecutor or Special Prosecutor** shall be responsible for the enforcement of the following subsection.”) (emphasis added). Hence, the OHA does not have authority to impose criminal sanctions under the EIG Law. The fact that OHA has no authority to impose criminal sanctions does not mean the Navajo Nation cannot. The EIG Law specifically provides that no administrative sanction described in 2 N.N.C. § 3780:

shall limit any other powers of the Navajo Nation Council, **Navajo Nation Courts**, Judicial, Executive or Legislative Branches of the Navajo Nation, nor of any other entity or administrative officials or employees under other applicable law, rules, regulations or procedures.

2 N.N.C. § 3780(C) (emphasis added).

II. NAVAJO NATION CASE LAW HOLDS THAT VIOLATIONS OF THE EIG LAW CAN BE BROUGHT IN SEPARATE, INDEPENDENT CRIMINAL PROCEEDINGS.

The ability of the Special Prosecutor to bring criminal actions for ethics violations is fully supported by Navajo case law, and the Supreme Court of the Navajo Nation has specifically identified that collateral sanctions for violations of the EIG Law can flow from freestanding criminal proceedings. *See MacDonald v. Redhouse*, 6 Nav. R. 342 (Nav. Sup. Ct. 1991); *Navajo Nation v. MacDonald*, 6 Nav. R. 432 (Nav. Sup. Ct. 1991) (affirming criminal convictions, including convictions for violations of the EIG Law, in an appeal from the Window Rock District Court).

In *MacDonald v. Redhouse*, 6 Nav. R. 342, former Navajo President Peter MacDonald, Sr. had been “convict[ed] of numerous violations of Navajo Nation criminal statutes, including bribery, “kickbacks,” and **breaches of the Navajo Nation Ethics in Government Law of**

1984.” (emphasis added). On Appeal, MacDonald argued that because the Navajo Board of Election Supervisors did not follow the administrative sanction procedures provided within the EIG Law, it could not disqualify him as a presidential candidate. The Navajo Supreme Court held that this argument – the same argument Defendant Calvin makes here – “fails as a matter of statutory construction.” *Id.* at 346. The Court acknowledged that while administrative sanctions are one way “to find that there have been violations of the Navajo Nation Ethics in Government Law,” the independent misdemeanor provision under Section 3782 (formally Section 3757(c) as cited in the *MacDonald* opinion):

is an independent statement of automatic sanction and penalties flowing from a criminal conviction for an ethics violation. **It is not dependent upon any determination by the Council following notice and a hearing.**

Id. (emphasis added). This holding from the Navajo Supreme Court defeats Defendant Calvin’s argument that administrative hearings must be held before criminal proceedings begin. *See Navajo Nation v. MacDonald*, 6 Nav. R. 432 (affirming criminal convictions, including convictions for violations of the EIG Law, in an appeal from the Window Rock District Court). This law is an explicit statutory grant of authority to pursue criminal cases in District Court under 2 N.N.C. § 3782.

III. THIS COURT HAS SUBJECT MATTER JURISDICTION OVER THE CRIMINAL CASES AGAINST DEFENDANT CALVIN, AND IT REMAINS IN DEFENDANT CALVIN’S BEST INTEREST FOR SUCH CRIMINAL PROCEEDINGS TO REMAIN IN DISTRICT COURT.

District Courts of the Navajo Nation have original jurisdiction over all “crimes.” *See* 7 N.N.C. § 253(A)(1). This includes original jurisdiction over “all offenses in the Navajo Nation Criminal Code” as well as “other matters provided by the Navajo Nation statutory law.” *See id.* at (A)(1) & (3). The EIG Law, which is Navajo Nation statutory law that provides for criminal

penalties, clearly falls within the jurisdiction of the District Court under 7 N.N.C. § 253.³

The case Defendant Calvin cites for the proposition that this Court does not have subject matter jurisdiction over this matter, *Vandever v. Navajo Nation Ethics and Rules Office*, 7 Nav. R. 356 (Nav. Sup. Ct. 1998), contains no analysis concerning the scope of the District Court's jurisdiction and has no bearing on whether the District Court has subject matter jurisdiction over criminal violations of the Ethics in Government Law. In *Vandever*, the Supreme Court held that the Supreme Court, as a "court of limited jurisdiction," did not have the authority to review final decisions of the Ethics and Rules Committee.⁴ Of course, the Navajo Nation is not asking the District Court to review anything, and the District Court, as discussed, is not a court of limited jurisdiction, but one of general jurisdiction. See *Nelson v. Pfizer*, 8 Nav. R. 369 (Nav. Sup. Ct. 2003). The *Vandever* case has no application to the analysis of the District Court's jurisdiction.⁵

As discussed above, the Supreme Court of the Navajo Nation already has acknowledged that the EIG Law provides for criminal prosecutions and "criminal conviction[s] for . . . ethics violation[s]." See *MacDonald v. Redhouse*, 6 Nav. R. 342, 346. Not only does the District Court have jurisdiction over this matter, but, as discussed in Part I(B) above, the OHA has no statutory authority to preside over criminal cases or impose criminal sanctions. Nor would it be desirable for Defendant Calvin to face criminal penalties before an administrative tribunal, which is not

3 The District Courts have original jurisdiction over "miscellaneous" matters including "[a]ll other matters provided by Navajo statutory law, *Diné bi beenahaz'áanii*, and Navajo Nation Treaties with the United States." 7 N.N.C. § 253(A)(3). While Defendant Calvin continues to argue that the OHA "has sole subject-matter jurisdiction to hear cases involving alleged violations of the Navajo Nation Ethics in Government Law," she fails to point to any language within the EIG Law for support.

4 The holding in *Vandever* was overturned by 2 N.N.C. § 3771, and the OHA, not the Ethics and Rules Committee, now handles ethics hearings under the EIG Law. See footnote 1, *supra*.

5 See 2 N.N.C. § 3780(C) (providing that "[n]o sanctions or penalty provided herein shall limit any other powers of the . . . Navajo Nation Courts.").

bound by the rules of evidence or the rules of criminal procedure, *see, e.g.*, 2 N.N.C. § 3772(D), and which can find violations of the EIG Law and impose sanctions upon the satisfaction of a lower burden of proof than what would be required within a criminal proceeding. *See generally* 17 N.N.C. § 206 (stating that no “person may be convicted of an offense unless each element or such offense is proved beyond a reasonable doubt”).

Examples of the heightened procedural protections Defendant Calvin would receive through the criminal process, and not through the administrative process, are found within *Navajo Nation v. MacDonald*, 6 Nav. R. 432. In discussing Appellant MacDonald’s challenges to the sufficiency of evidence presented at trial for his convictions on the ethics and other violations, the Court discussed the high burden of proof (beyond a reasonable doubt) that the Navajo Nation carried for conviction. *See id.* at 442-445. Appellant MacDonald also brought numerous evidentiary challenges under the rules of evidence. *See id.* at 439-442. It is exceedingly troublesome that Defendant Calvin continues to advocate for the use of an administrative process, which would not provide her with any of these procedural guarantees, and could nonetheless, under her reading of the EIG Law, impose criminal penalties.

IV. STATUTORY PROVISIONS IN THE EIG LAW UNAMBIGUOUSLY PROVIDE FOR CRIMINAL CASES INDEPENDENT OF ANY ADMINISTRATIVE REVIEW

Under 2 N.N.C. § 3782, only “the Office of the Prosecutor or Special Prosecutor shall be responsible for the enforcement” of criminal sanctions. The language used throughout § 3782 to discuss the process through which prosecutors can impose criminal sanctions is express legislative direction that criminal, and not administrative, proceedings are proper. *See* § 3782(C) (providing that “[u]pon *conviction* of any subsequent offense proscribed . . . such person shall be fined not less than five hundred dollars (\$500.00) and shall be *sentenced* to imprisonment of not

less than thirty (30) days nor more than one hundred eighty (180) days.”); *id.* at (D) (providing that “[a] person *convicted* of a misdemeanor shall not be a candidate for any appointive office”); and *id.* at (E) (providing that a “*plea of nolo contendere shall be deemed a conviction*”) (emphases added). This language, discussing convictions, the entry of pleas, sentencing, and imprisonment, expressly indicates that the criminal sanctions must follow from criminal proceedings.

Section 3782(F) also acknowledges the fact that criminal proceedings shall not bar administrative or civil proceedings, once again showing that that the EIC Law separates criminal proceedings from any administrative or civil action. Section 3782(F) states that:

[n]o criminal or misdemeanor action, judgment, conviction or punishment hereunder shall operate to bar any action for civil damage or penalty or imposition of any administrative sanction provided hereunder, nor be barred thereby.

Section 3781(D), the civil damages counterpart to § 3782(D), also contains a similar provision.

Section 3781(D) provides that:

[n]o imposition of any or all civil damages provided herein shall be a bar to institution of any civil, criminal or misdemeanor action, liability, judgment, conviction or punishment otherwise applicable hereto, nor shall determination of any such civil damages be barred thereby.

Finally, § 3780(C), the administrative sanctions counterpart, discussed previously, provides that:

No sanctions or penalty provided herein shall limit any other powers of the Navajo Nation Council, Navajo Nation Courts, Judicial, Executive or Legislative Branches of the Navajo Nation, nor of any other entity or administrative officials or employees under other applicable law, rules, regulations or procedures.

Read together, each of the above provisions indicates that not only are there multiple venues to sanction EIC Law violations, but that any one venue does not preclude or bar the imposition of an independent criminal case enforcing the Navajo Nation Ethics laws.

WHEREFORE, for the reasons discussed above, as well as those within the previous filings, the Navajo Nation respectfully requests that the cases against Defendant Calvin proceed before this Court.

**THE OFFICE OF THE SPECIAL PROSECUTOR
FOR THE NAVAJO NATION**

**ROTHSTEIN, DONATELLI, HUGHES,
DAHLSTROM, & SCHOENBURG, LLP**

Date:

May 12, 2014

By:

[Signature]

MARC LOWRY, ESQ.
500 4th Street N.W., Suite 400
Albuquerque, New Mexico 87102
(505) 243-1443
mlowry@rothsteinlaw.com

ERIC N. DAHLSTROM, ESQ.
80 E. Rio Salado Parkway, Suite 710
Tempe, AZ 85281
(480) 921-9296
edahlstrom@rothsteinlaw.com

RICHARD W. HUGHES, ESQ.
MARK H. DONATELLI, ESQ.
1215 Paseo De Peralta
P.O. Box 8180
Santa Fe, New Mexico 87504
(505) 988-8004
rwhughes@rothsteinlaw.com
mhd@rothsteinlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was faxed this 12th day of May, 2014 to:

Richard Wade, Esq.
Advocate Law Center, P.A.
821 Ford Drive
Gallup, New Mexico 87301
505-722-0531 (fax)

[Signature]

MARC LOWRY
Special Prosecutor

7/2/14
FILE COPY**IN THE DISTRICT COURT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF WINDOW ROCK, ARIZONA**

THE NAVAJO NATION,

Plaintiff,

No. WR-CR-156-14 through 161-14

v.

LAURA CALVIN,

Defendant.

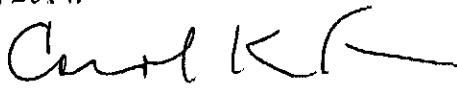
**ORDER ALLOWING ETHICS
CASES AGAINST
DEFENDANT LAURA CALVIN
TO PROCEED**

**ORDER ALLOWING ETHICS CASES AGAINST
DEFENDANT LAURA CALVIN TO PROCEED**

This matter comes before the Court on Defendant Calvin's motion to dismiss the criminal charges filed against her. The Court, having considered the arguments of the parties concerning the Navajo Nation's ability to criminally prosecute Defendant Calvin for violations of 2 N.N.C. § 3745 in the District Court, FINDS the arguments of the Navajo Nation to be well taken, and criminal jurisdiction over the charges in the District Court is appropriate. It is the Court's greatest concern that the Defendant's due process rights be protected. A Conflict of Interest charge (2 N.N.C. §3745) carries a possible penalty of misdemeanor sanctions not less than \$500 and incarceration of 30—180 days upon conviction. 2 N.N.C. §3782 (A)—(C). Therefore, the possibility of incarceration implicates criminal procedures which can only be afforded here in the District Court because the Ethics and Rules Committee does not have proper authority or subject matter jurisdiction over criminal matters. District Courts of the Navajo Nation have original jurisdiction over all "crimes." See 7 N.N.C. §253(A).

IT IS HEREBY ORDERED that the six amended criminal complaints, Nos. WR-CR-156-14 to WR-CR-161-14, against Defendant Laura Calvin shall proceed.

SO ORDERED this 2nd day of July, 2014.



CAROL K. PERRY
District Court Judge of the Navajo Nation

NAVAJO NATION

OFFICE OF THE CHIEF PROSECUTOR
WHITE COLLAR CRIME UNIT



Frank D. Brown

INVESTIGATOR
OFFICE OF THE CHIEF PROSECUTOR




P.O. BOX 3779

WINDOW ROCK, AZ 86515

P. 928.871.7516/928.871.7494

Email. frank_brownondarex@yahoo.com

 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

[United States Code Annotated](#)

[Title 25. Indians \(Refs & Annos\)](#)

[Chapter 15. Constitutional Rights of Indians \(Refs & Annos\)](#)

[Subchapter I. Generally \(Refs & Annos\)](#)

25 U.S.C.A. § 1302

§ 1302. Constitutional rights

Effective: July 29, 2010

[Currentness](#)

(a) In general

No Indian tribe in exercising powers of self-government shall--

(1) make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;

(2) violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

(3) subject any person for the same offense to be twice put in jeopardy;

(4) compel any person in any criminal case to be a witness against himself;

(5) take any private property for a public use without just compensation;

(6) deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense (except as provided in subsection (b));

(7)(A) require excessive bail, impose excessive fines, or inflict cruel and unusual punishments;

(B) except as provided in subparagraph (C), impose for conviction of any 1 offense any penalty or punishment greater than imprisonment for a term of 1 year or a fine of \$5,000, or both;

(C) subject to subsection (b), impose for conviction of any 1 offense any penalty or punishment greater than imprisonment for a term of 3 years or a fine of \$15,000, or both; or

(D) impose on a person in a criminal proceeding a total penalty or punishment greater than imprisonment for a term of 9 years;

(8) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

(9) pass any bill of attainder or ex post facto law; or

(10) deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

(b) Offenses subject to greater than 1-year imprisonment or a fine greater than \$5,000

A tribal court may subject a defendant to a term of imprisonment greater than 1 year but not to exceed 3 years for any 1 offense, or a fine greater than \$5,000 but not to exceed \$15,000, or both, if the defendant is a person accused of a criminal offense who--

(1) has been previously convicted of the same or a comparable offense by any jurisdiction in the United States; or

(2) is being prosecuted for an offense comparable to an offense that would be punishable by more than 1 year of imprisonment if prosecuted by the United States or any of the States.

(c) Rights of defendants

In a criminal proceeding in which an Indian tribe, in exercising powers of self-government, imposes a total term of imprisonment of more than 1 year on a defendant, the Indian tribe shall--

(1) provide to the defendant the right to effective assistance of counsel at least equal to that guaranteed by the United States Constitution; and

(2) at the expense of the tribal government, provide an indigent defendant the assistance of a defense attorney licensed to practice law by any jurisdiction in the United States that applies appropriate professional licensing standards and effectively ensures the competence and professional responsibility of its licensed attorneys;

(3) require that the judge presiding over the criminal proceeding--

(A) has sufficient legal training to preside over criminal proceedings; and

(B) is licensed to practice law by any jurisdiction in the United States;

(4) prior to charging the defendant, make publicly available the criminal laws (including regulations and interpretative documents), rules of evidence, and rules of criminal procedure (including rules governing the recusal of judges in appropriate circumstances) of the tribal government; and

(5) maintain a record of the criminal proceeding, including an audio or other recording of the trial proceeding.

(d) Sentences

In the case of a defendant sentenced in accordance with subsections (b) and (c), a tribal court may require the defendant--

(1) to serve the sentence--

(A) in a tribal correctional center that has been approved by the Bureau of Indian Affairs for long-term incarceration, in accordance with guidelines to be developed by the Bureau of Indian Affairs (in consultation with Indian tribes) not later than 180 days after July 29, 2010;

(B) in the nearest appropriate Federal facility, at the expense of the United States pursuant to the Bureau of Prisons tribal prisoner pilot program described in section 304(c) of the Tribal Law and Order Act of 2010;

(C) in a State or local government-approved detention or correctional center pursuant to an agreement between the Indian tribe and the State or local government; or

(D) in an alternative rehabilitation center of an Indian tribe; or

(2) to serve another alternative form of punishment, as determined by the tribal court judge pursuant to tribal law.

(e) Definition of offense

In this section, the term “offense” means a violation of a criminal law.

(f) Effect of section

Nothing in this section affects the obligation of the United States, or any State government that has been delegated authority by the United States, to investigate and prosecute any criminal violation in Indian country.

CREDIT(S)

(Pub.L. 90-284, Title II, § 202, Apr. 11, 1968, 82 Stat. 77; [Pub.L. 99-570, Title IV, § 4217](#), Oct. 27, 1986, 100 Stat. 3207-146; [Pub.L. 111-211, Title II, § 234\(a\)](#), July 29, 2010, 124 Stat. 2279.)

[Notes of Decisions \(481\)](#)

25 U.S.C.A. § 1302, 25 USCA § 1302
Current through P.L. 114-229.

End of Document

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The Legislative Branch
The Navajo Nation

Received: 11/25/00 FYI

Kelsey A. Begaye
Speaker of the
Navajo Nation Council

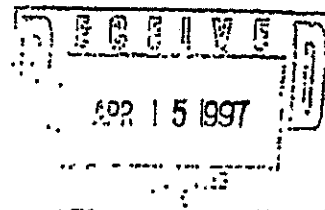
MEMORANDUM

TO: Robert French, Director
Office of Ethics and Rules

FROM: 
Steven Boos, Chief Legislative Counsel
Office of Legislative Counsel

DATE: April 15, 1997

SUBJECT: Statute of Limitations; discovery rule



In a memorandum dated March 11, 1997, you asked, "Does the statute of limitations provision mean four (4) years from the date the alleged wrongdoing actually occurred or four (4) years from the date of discovery of the alleged wrongdoing?" In answering this question I assume the provision you reference is 2 N.N.C. section 3769 which is a statute of limitations for actions under the Ethics In Government Law, 2 N.N.C. section 3741, et seq.

Section 3769 reads in full

No action shall be brought under this chapter by the Ethics and Rules Office before the Committee more than four (4) years after [the] cause of action has accrued.

This section does not define when an "action has accrued." It is a well-established and widely recognized rule that where the basis of a cause of action or claim arises from an act of fraud or some other act which is of a concealed nature, "the statute of limitations does not commence to run until discovery of the wrong or of facts placing one on inquiry." 51 Am Jur 2d (1970), Limitation of Actions, section 146, at p. 715; see also, Id., sections 147 - 152, at pp. 717 - 724. Many of the provisions of the Ethics In Government Law define offenses which are, by their nature, concealed. See, e.g., section 3753 [unauthorized use of property]; section 3756 [gifts or loans to influence official acts]. Whenever the charged offense is one which concerns fraud, embezzlement or some other concealed act, then the four year statute of limitations contained in section 3769 begins to run from the date of discovery of the act.

Please contact me if you have further questions concerning this issue. Thank you.