

IN REPLY REFER TO:



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20240

Real Prop. Mgmt.
Minerals
3201-61

Memorandum

To: Secretary of the Interior

From: Commissioner of Indian Affairs

Subject: Delegation of authority to the Hopi Tribal Council to
take action for the development of mineral resources

IND.
Hopi

The Constitution and By-Laws of the Hopi Tribe does not authorize the Tribal Council to lease tribal lands. Article VI, Section 3, however, provides that the Secretary of the Interior may delegate additional powers to the Tribal Council. Article VI, Section 3 reads as follows:

"The Hopi Tribal Council may exercise further powers as may in the future be delegated to it by the members of the Tribe or by the Secretary of the Interior, or any other duly authorized official or agency of the State or Federal Government."

On March 21, 1961, the Hopi Tribal Council adopted Resolution No. H-4-61 in which the Secretary was requested to delegate authority to the Council to enter into mineral leases. At the time that resolution was adopted the case entitled Healing v. Jones, Civil No. 579, U.S.D.C., Arizona, was pending. In a letter, dated May 24, 1961, from the Assistant Secretary of the Interior to the Area Director, Bureau of Indian Affairs, Phoenix, Arizona, authority was delegated to the Hopi Tribal Council to enter into mineral leases in accordance with 25 CFR 171. That delegated authority did not apply to any lands which were embraced in the claim of the Navajo Tribe in the above cited case. Copies of Resolution No. H-4-61 and the letter of May 24, 1961, are enclosed.

On September 28, 1962, the final judgment of the court in the case Healing v. Jones, supra granted to the Hopi Tribe exclusive right and interest to Grazing District No. 6 as presently constituted which was greater than the area conceded by the Navajo Tribe in its answer to the complaint of the Hopi Tribe. The judgment further provided that the Navajo and Hopi Tribes would have joint undivided and equal rights and interest both as to the surface and subsurface, including all resources, in all of the remaining land within the

executive order reservation of December 16, 1882.

It will be necessary to enlarge the authority delegated to the Hopi Tribal Council by the Assistant Secretary's letter of May 24, 1961 to permit the Council to enter into mining leases on all lands in which the Hopi Tribe has an interest. The enclosed proposed letter to the Area Director, Bureau of Indian Affairs, Phoenix, Arizona, will modify the delegation contained in the letter of May 24, 1961 by deleting the last sentence of the penultimate paragraph which reads as follows: "The authority hereby delegated does not apply to any lands which are embraced in the claim of the Navajos in the case entitled Healing v. Jones, Civil No. 579, U.S.D.C., Arizona." The proposed letter will supplement the authority delegated by the Assistant Secretary's letter of May 24, 1961, to include all lands in which the Hopi Tribe has held an interest after ~~September~~ 28, 1962.

It is recommended that the proposed letter to the Phoenix Area Office be signed.

George W. Mathis,

Acting Commissioner

Enclosures

cc: 300

SECRETARY'S FILE COPY
SECRETARY'S READING FILE COPY

George D. Jones:lb 11/4/64