



## THE HARVARD PROJECT ON AMERICAN INDIAN ECONOMIC DEVELOPMENT

John F. Kennedy School of Government • Harvard University

### HONORING NATIONS: 2005 HONOREE

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*Reclaiming traditional lands has been a primary concern of the Hopi Tribe for the last century. In 1996, significant land purchases became possible under the terms of a settlement with the U.S. government, but the tribal government then faced the problem of developing a plan for land reacquisition. In 1998, responding to this challenge, the Hopi Tribe created the Hopi Land Team. With the goal of striking a balance between preservation and the future, the Team works to identify potential purchases, evaluate their cultural and economic significance and potential, and recommend purchases. The work of the Team has led not only to new development initiatives that have increased tribal revenues, but it also brought back to the nation critical cultural resources and sacred sites that play a major role in the life of the Hopi people.*

The tutsqua is the ancestral and sacred Hopi homeland. It is where the Hopi emerged into this world as a people and culture, where the katsina spirits live, and where their religious obligations must be carried out. Since at least 500 AD, Hopi traditional use of the tutsqua has been significant and permanent, although this use involved continuous occupation of some areas and more transient use of others. For example, oral, cultural, and archeological evidence indicates migration from some villages (Homolovi, for one) to the current Hopi mesas. Importantly, these villages, even those that are visited only for seasonal and ceremonial purposes, are part of a tutsqua-wide network of ancient farming lands, medicinal gathering places, sacred shrines, ancestral burial grounds, and natural habitats that support the animals for which many Hopi clans are named.

In spite of this long history of traditional land use, the Hopi reservation created by Executive Order in 1882 was smaller than the tutsqua. Many sacred sites, traditional farm lands, and sources of water were located outside the reservation, limiting the Hopi people's access to and control over these significant resources. Even after creation of the reservation, 40 percent of it was lost in the Navajo partitioning, exacerbating conflicts with the neighboring Navajo Nation and deepening Hopi problems of access to traditional lands. According to the Indian Claims Commission, from 1880 onward, encroachment and federal policy led to an 85 percent reduction of the Hopi homelands. These losses caused spiritual, cultural, and economic hardship for the nation, and were viewed by many Hopi as equal to the destruction of the people themselves.

Unsurprisingly, reclaiming traditional lands has long been a primary concern of the Hopi government. The Tribe has lobbied the federal government, litigated, and even refused to spend a compensation fund awarded in the 1970s by the Indian Claims Commission in lieu of the return of traditional lands. Finally in 1996, under the terms of a settlement with the U.S. government, the Hopi Tribe was given a budget to purchase significant amounts of land with the option to take some or all of the land into trust. At that point, the Hopi government faced the problem of

developing a land acquisition plan that would help the nation prioritize various goals for the land and evaluate potential purchases.

Recognizing the importance of careful planning and strategy in the Nation's land acquisition efforts, the tribal government responded by creating the Hopi Tribe Land Team. Established in 1998, the team is a group committed, long-serving, and land-expert members on the Tribal Council; in particular, it represents the consolidation of pre-existing committees and task forces charged with providing leadership on all land issues, including land purchase, use, development, and litigation. Four main goals guide purchases: to regain the Hopi tutsqua and preserve Hopi culture, to build a sustainable economy, to create job opportunities for tribal members, and to raise revenue for the Tribe's general fund and village budgets. These goals permit the team to take a flexible and pragmatic approach to land acquisition, while still appropriately weighing the opportunities in terms of cultural and religious significance, potential for economic development, and availability for purchase. According to one Land Team member, the objective of the purchases has been to strike a balance between preservation and the future.

Critically, the Land Team developed a high level of sophistication in its land acquisition process. After one potential purchase evaporated because the seller discovered the buyer was the Hopi Tribe, the team followed the path of other astute, high-profile developers and created a front corporation to engage in purchases. When another purchase was stymied because of public opposition to the conversion of U.S. Forest land to tribal trust land, the Team found alternative sites to purchase and sponsored a series of community meetings in nearby towns to build and restore good relationships.

The Land Team's success is clear in its purchase record. The Hopi Tribe has purchased several valuable parcels of commercial real estate in Flagstaff and Holbrook. It also purchased five ranches along U.S. Interstate 40, a high-traffic corridor south of the Hopi and Navajo reservations. Beyond their economic potential, these lands contain important cultural, subsistence, medicinal, and religious sites. Additional purchases increased the nation's water access and water rights, while others diminished the Hopi Tribe's landlocked position within the Navajo reservation. Through these purchases, the Hopi are better able to access and protect sacred sites, create viable economic development and revenue generating activities, and maintain and enhance their sovereignty.

Achievements can also be seen in how the Land Team operates. Faced with the possible closure of the Homolovi State Park, which contains many sites with cultural and spiritual significance for the Hopi, the Tribe partnered with the State of Arizona through a memorandum of understanding (MOU) to improve the parklands. The MOU aligns with the Land Team's long-term plan to buy acreage around the park to create a gateway on Hopi lands for park visitors. Already, seven sections of land have been purchased. Together with the MOU, these purchases provide the Tribe with a wide range of opportunities new jobs for Hopi citizens; more outlets for Hopi artisans; resources to support Hopi life ways; and greater control over cultural patrimony, both ancient and contemporary. For instance, the newly acquired lands contain eagle nesting sites important to Hopi religious practices and host wildlife and plants used in Hopi traditional diets and for medicine; the value of these habitats is enhanced by their location next to park land. In combination, the purchases and MOU ensure greater tribal access to archeological resources. And, the MOU also promises to protect the authenticity of Hopi cultural symbols. Not surprisingly, the park shop no longer sells counterfeit or inappropriate kachina dolls or other objects that misrepresent Hopi culture.

Commercial land purchases also demonstrate the Land Team's effectiveness. Clearly outlined in their goals, the Land Team must consider the economic needs of the tribal government and citizens in its land purchases. Accordingly, some commercial properties purchased within the Hopi tutsqua were not put into trust. Rather, the Team felt that the business potential of those properties would be better served if they were developed as fee simple holdings. To further

maximize economic gains, the tribal government chartered an Economic Development Corporation to manage properties, including three commercial properties located within a lucrative Flagstaff retail office market and a travel plaza in Holbrook. It also chartered a portion of its ranch property, Three Canyon Ranch, as an agricultural corporation that produces high-value beef products. Other ranchlands are under consideration for projects such as a bed and breakfast and a wind energy farm. Currently, projects resulting from Land Team efforts net approximately \$750,000 for the Tribe, and future growth in revenues and job creation are expected as more plans come to fruition.

Finally, it should be noted that land purchases have enhanced the sovereignty of the Hopi Tribe. The Tribe now controls more of its sacred and historical sites, and its partnerships with other governments strengthen the Tribe's legitimacy in the eyes of others. Additionally, the ranch purchases increased tribal jurisdiction over wilderness areas and that will be bolstered once the land is in trust. Recognizing that securing scarce water resources is essential for the tribe's long-term self-determination, the Land Team also strategically acquired properties with significant water rights. And, by now holding half a million acres outside the boundaries of the Navajo Reservation, the Hopi Tribe is able to undertake economic development activities and sacred site protection independent of its landlocked position within the Navajo Nation. While cooperation with the Navajo Nation is improving, this land ownership increases the Hopi tribal government's options in tribal-tribal, tribal-state, and tribal-federal collaborations.

While the specific settlement that led to the creation of the Hopi land acquisition program is unique, land acquisition work in Indian Country is not. Because reservations were established with little consideration for traditional territory, traditional land use practices, economic viability, access to food and other natural resources, and so on, many nations are committed to land acquisition. Moreover, land settlements have been awarded to other Native nations, and some have set aside funds from natural resource, gaming, and other self-generated government revenues for land purchase. Those engaged in this work can learn from the Hopi Tribe Land Team. The Land Team created a blueprint for success by appointing experts, setting goals, evaluating properties with both a strategic and pragmatic eye on those goals, being savvy in the methods used to purchase land, seeking to minimize conflict while still holding fast to land purchase aims, and working on the back end to ensure that plans for the land are fulfilled through partnership and institutional development. Although the monies settled on the Hopi Tribe could not restore the entire tutsqua to the Hopi people, the strategic and forward-thinking work of the Land Team maximized the benefits to the Tribe from the portions it was able to reacquire. These purchases re-established Hopi ownership of culturally important and economically valuable homelands, brightening the future of the nation's citizens.

#### Lessons:

- Nations can exercise sovereignty and self-governance by taking advantage of opportunities to reclaim land and establish direct control over determining, implementing, and maintaining land use that promotes the cultural and economical well-being of the nation.
- Strategic planning in the land purchase and development process guided by cultural, spiritual, and economic priorities enables nations to achieve a balance between preservation and future growth.
- By developing the capacity for land management and development, tribal governments can ensure their resources are used in ways that provide for the future, while also honoring cultural and spiritual traditions.