

LEGISLATIVE SUMMARY SHEET

Tracking No. 0425-17

DATE: October 17, 2017

SUBJECT AN ACTION RELATING TO RESOURCES AND DEVELOPMENT;
RESCINDING THE MORATORIUM ON NEW STRUCTURES, NEW HOMESITES AND
RANGE UNITS ESTABLISHED BY RESOLUTION RCJY-142-92 "ESTABLISHING A
MORATORIUM ON NEW STRUCTURES, NEW HOMESITES AND RANGE UNITS
WITHIN THE NAVAJO COMMERCIAL FOREST PENDING DEVELOPMENT AND
APPROVAL OF A NEW FOREST MANAGEMENT PLAN"

PURPOSE: The purpose of this legislation is to rescind the moratorium on new structures, new homesites and range units within the Navajo Commercial Forest.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: SNOWAH
Website Posting Time/Date: 10/18/17 7:24pm
Posting End Date: 10/23/2017
Eligible for Action: 10/24/2017

PROPOSED STANDING COMMITTEE RESOLUTION

23rd NAVAJO NATION COUNCIL -- Third Year, 2017

INTRODUCED BY

Dwight Witherspoon

(Prime Sponsor)

Steven Begay
Steven Begay

TRACKING NO. 0425-17

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; RESCINDING THE
MORATORIUM ON NEW STRUCTURES, NEW HOMESITES AND RANGE
UNITS ESTABLISHED BY RESOLUTION RCJY-142-92 "ESTABLISHING A
MORATORIUM ON NEW STRUCTURES, NEW HOMESITES AND RANGE
UNITS WITHIN THE NAVAJO COMMERCIAL FOREST PENDING
DEVELOPMENT AND APPROVAL OF A NEW FOREST MANAGEMENT
PLAN"

BE IT ENACTED:

Section One. Authority

A. The Resources and Development Committee of the Navajo Nation Council is empowered to approve procedures for issuing homesite leases and to delegate the authority to issue homesite leases. 2 N.N.C. § 501(B)(1), (B)(3).

Section Two. Findings

A. The Resources and Development Committee approved the Resolution RCJY-142-92 "Establishing a Moratorium on New Structures, New Homesites and Range Units Within the Navajo Commercial Forest Pending Development and

1 Approval of a New Forest Management Plan” (Moratorium) on July 17, 1992.
2 See Exhibit A.

- 3 B. Resolutions approving subsequent Forest Management Plans have not included
4 reference to the moratorium established by Resolution RCJY-142-92. See
5 Exhibit B.
- 6 C. The continued legal existence of the Moratorium has been in question since the
7 adoption of each subsequent Forest Management Plan.
- 8 D. The Resources and Development Committee of the Navajo Nation Council finds
9 it to be in the best interest of the Diné to clarify the legal status of the Moratorium.
- 10 E. The Resources and Development Committee of the Navajo Nation Council finds
11 it to be in the best interest of the Diné to rescind the Moratorium.

12 **Section Three. Approval**

13 The Resources and Development Committee of the Navajo Nation Council
14 hereby rescinds Resolution RCJY-169-95 and with that action removes any
15 moratorium on new structures, new homesites and range units within the Navajo
16 Commercial Forest.

EXHIBIT

A

RCJY-142-92

RESOLUTION
OF THE RESOURCES COMMITTEE
OF THE NAVAJO NATION COUNCIL

Establishing a Moratorium on New Structures, New Homesites and
Range Units Within the Navajo Commercial Forest Pending Development
and Approval of a New Forest Management Plan

WHEREAS:

1. Pursuant to 2 N.T.C. Section 691 and 695, et seq., the Resources Committee was established as a standing committee of the Navajo Nation Council with the responsibility to oversee and regulate all activities involving the disposition, or alteration of the natural state of the resources, and approving homesite leases; and
2. By 23 N.T.C. Chapter 7, Section 704, the Tribal Forest Manager is to develop a forest management plan for the development, protection and utilization of forest resources; and
3. By 23 N.T.C. Chapter 9, Section 902, the Resources Committee of the Navajo Nation Council is given authority to establish regulations for the forest as proposed by the Forest Manager; and
4. The Navajo Forestry Department is in the process of developing a new ten (10) year forest management plan for the commercial forest area; and
5. There has been a concern over increasing uses and developments in the forest that may limit future uses and management of the forest resources; and
6. The Forestry Department has recognized that the use of the forest has changed from a summer grazing use with seasonal sheep camp sites, to permanent homesites with increased utilities supplied; and
7. The Forestry Department recommends that a moratorium be placed on approvals of any new homesites or related structures within the Navajo Commercial Forest pending completion of the ten (10) year plan for the forest, to ensure future uses for the forest are not limited by today's unplanned actions.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Resources Committee issues a moratorium on construction and approving any new homesite leases, range units and

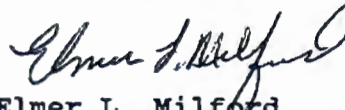
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related structures within the Navajo Commercial Forest, as identified on Exhibit "A", until a new ten (10) year forest management plan is approved by the Navajo Nation.

2. The Resources Committee directs all affected divisions, departments, programs, and entities to enforce this moratorium.

C E R T I F I C A T I O N

I hereby certify that the foregoing resolution was duly considered by the Resources 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 4 in favor, 0 opposed and 0 abstained, this 17th day of July, 1992.

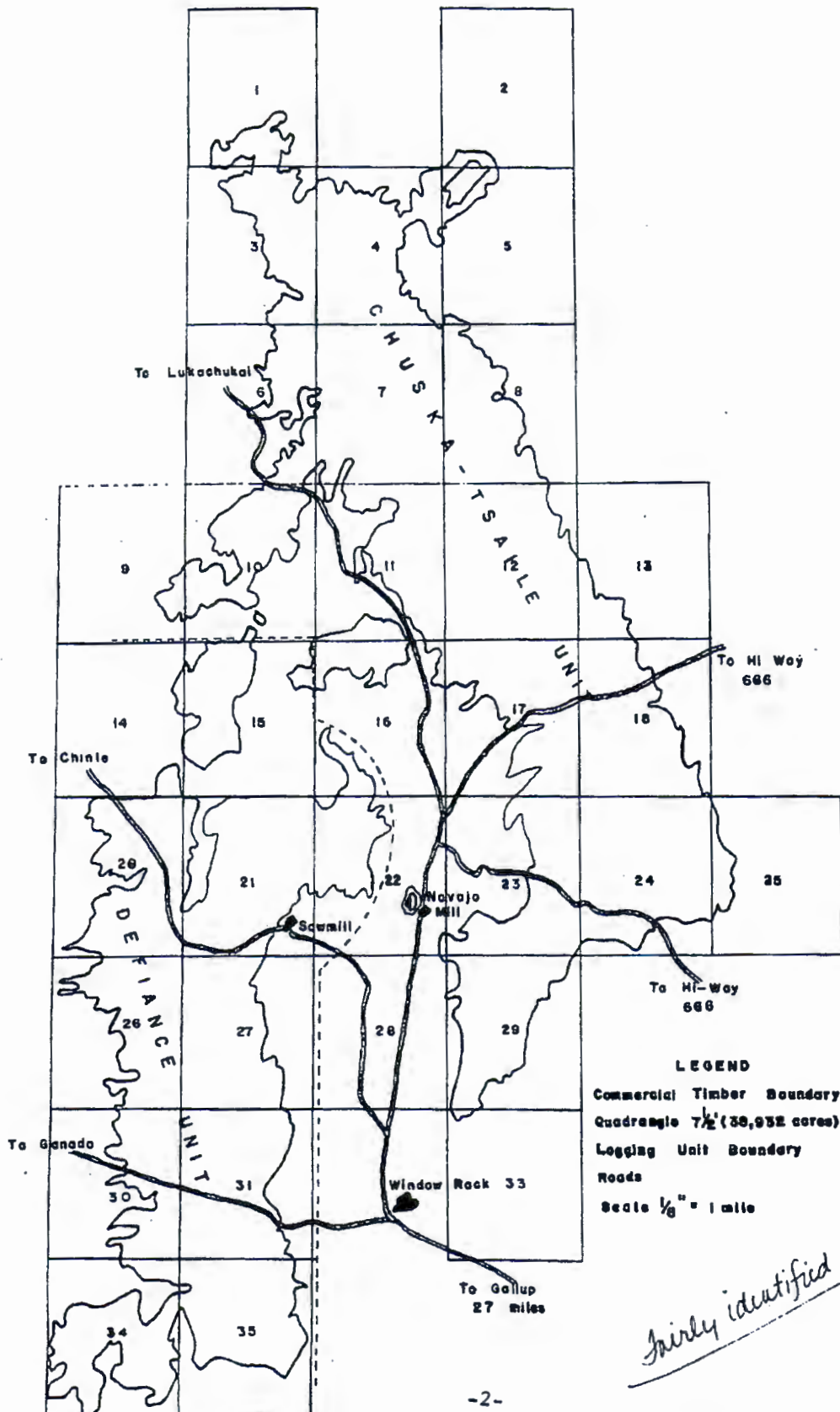

Elmer L. Milford
Chairperson

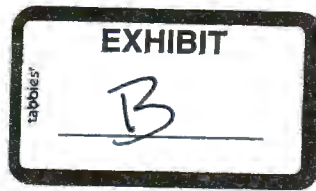
Motioned: Irving Billy
Seconded: Mark Peshlakai

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FIGURE 2.1

NAVJO WORKING CIRCLE
COMMERCIAL TIMBER LANDS





RCJY-133-01

RESOLUTION
OF THE RESOURCES COMMITTEE
OF THE NAVAJO NATION COUNCIL

Approving and Recommending that the Bureau of Indian Affairs
Approve the New Navajo Nation 10-Year Forest Management Plan with
Alternative No. 4 as the Proposed Action

WHEREAS:

1. Pursuant to 2 N.N.C. §§ 691 and 695 (B) (14), the Resources Committee of the Navajo Nation Council was established as a standing committee of the Navajo Nation Council and has legislative oversight authority for the Division of Natural Resources; and

2. Pursuant to 2 N.N.C. § 695 (B) (7), the Resources Committee of the Navajo Nation Council is authorized to oversee and regulate all activities within the Navajo Nation lands, including actions which may involve the disposition or acquisition of resources, surface disturbance, or alteration of the natural state of resources; and

3. Pursuant to 2 N.N.C. § 695 (B) (8), the Resources Committee of the Navajo Nation Council is authorized to approve overall Resource Management Plans of the Navajo Nation, including regulations governing the designation and use of resources; and

4. Pursuant to 2 N.N.C. § 695 (B) (12), the Resources Committee of the Navajo Nation Council is authorized to establish Navajo Nation policy with respect to the optimum utilization of all resources, including the authority to initiate and require studies of the natural resources for the protection and efficient utilization, management, administration, and enhancement of such resources; and

5. Pursuant to the National Indian Forest Resources Management Act, 25 USC § 3104 and General Forestry Regulations, 25 CFR § 163.11, a forest management plan must be prepared for all Indian forest lands prior to harvest of Indian trust timber and approved by the Secretary of the Interior; and

6. Pursuant to the National Environmental Protection Act (NEPA) planning process, 40 CFR §§ 1500-1508, five (5) forest management alternatives were developed for the Forest Management Plan by the Navajo Forestry Department, using the

Interdisciplinary Team approach to insure the integrated use of natural and social sciences, as well as environmental science; and

7. In addition to the knowledge and experience of the different discipline preparers, alternative development also involved using goals and objectives approved by the Resources Committee of the Navajo Nation Council pursuant to Resolution No. RCJY-169-95, attached hereto as Exhibit "A", and issues and concerns gathered from the Navajo public through public meetings and surveys; and

8. The draft final New Navajo Nation 10-Year Forest Management Plan identifies five (5) alternative management strategies for the Resources Committee to consider so it can select the one which is best for the Navajo Nation. These alternatives are as follows: Alternative 1- Continuation of Past Even-aged Management; Alternative 2 - No Management (No Planned Commercial Harvest); Alternative 3 - Even-aged Management with Special Management Areas; Alternative 4 - A Mix of Even-aged and Uneven-aged Management with Special Management Areas; Alternative 5 - Uneven-aged Management; and

9. These alternatives and best management practices were incorporated into the draft final New Navajo Nation 10-Year Forest Management Plan, attached hereto as Exhibit "B"; and

10. To assess the impacts of these alternatives, a Professional Service Contract with ETD Environmental Consulting was approved by the Resources Committee of the Navajo Nation Council, Resolution No. RCAU-173-97, attached hereto as Exhibit "C", to develop an Environmental Impact Statement; and

11. A draft Programmatic Environmental Impact Statement with alternative impacts was developed, copies were made available for public review and comment, and information was also disclosed at public meetings. Legal notice of the Environmental Impact Statement is attached hereto as Exhibit "D"; and

12. A Final Programmatic Environmental Impact Statement was developed and is attached hereto as Exhibit "E", with public comments and responses to comments incorporated into the Appendices, which are attached hereto as Exhibit "F".

NOW THEREFORE BE IT RESOLVED THAT:

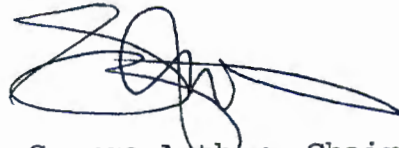
1. After review and consideration of the five (5) different forest management alternatives as presented and documented, the Resources Committee of the Navajo Nation Council hereby approves the New Navajo Nation 10-Year Forest Management Plan, attached hereto as Exhibit "B", and selects Alternative No. 4 as being in the best interest of the Navajo Nation.

2. The Resources Committee of the Navajo Nation Council further recommends that the Bureau of Indian Affairs approve the New Navajo Nation 10-Year Forest Management Plan with Alternative No. 4 as the proposed action.

3. Furthermore, the Resources Committee of the Navajo Nation Council hereby retains the opportunity and privilege to reevaluate the alternative plan from time to time.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources 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 4 in favor, 0 opposed and 0 abstained, this 30th day of July, 2001.

A handwritten signature in dark ink, appearing to be 'George Arthur', written over a circular stamp or seal.

George Arthur, Chairperson
Resources Committee

Motion: Elmer L. Milford
Second: Herman Daniels

RESOLUTION
OF THE RESOURCES COMMITTEE
OF THE NAVAJO NATION COUNCIL

Approving Resource Management Goals to be Incorporated
in the New Ten (10) Year Navajo Nation Forest Management
Plan for the Defiance Plateau/Chuska Mountains Forest Area

WHEREAS:

1. Pursuant to 2 N.T.C. § 691, the Resources Committee was established as a standing committee of the Navajo Nation Council; and
2. Pursuant to 2 N.T.C. § 695 (b) (6), the Resources Committee is authorized to oversee and regulate all activities within Navajo Nation lands, including actions which may involve the disposition or acquisition of resources, surface disturbance or alteration of the natural state of the resource; and
3. Pursuant to 2 N.T.C. § 695 (b) (7), the Resources Committee is also authorized to approve Resource Management Plans; and
4. To ensure that the vision and direction of the Navajo Nation are met pursuant to provisions of the National Indian Forest Resources Management Act (P.L. 101-630), it is necessary to treat the Defiance Plateau/Chuska Mountain forest area under a forest management plan; and
5. The Navajo Nation Forestry Department (and the Interdisciplinary Team established under its direction) is currently developing a new ten (10) year forest management plan for the Defiance Plateau/Chuska Mountain forest area which will incorporate all concerns and interest of Navajo people in the future use of the forest, be recognized as a habitat conservation plan for the conservation and management of threatened, endangered and candidate species, and will be accompanied by an Environmental Impact Statement to ensure that all environmental issues are properly evaluated pursuant to federal provisions of the National Environmental Policy Act; and
6. The Interdisciplinary Team has identified resource management goals (for the Resources Committee's consideration) to be incorporated into the new ten (10) year forest management plan; and
7. The Navajo Nation Forestry Department has discussed these goals with the Economic Development and Government Services Committees of the Navajo Nation Council; and

8. The Resources Committee believes that adopting said goals will be in the best interest of the Navajo Nation.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Resources Committee of the Navajo Nation Council hereby approves the following Navajo Nation goals for the new ten (10) year forest management plan for the Defiance Plateau/Chuska Mountain forest area:

Forest Resource Policy Goals

- GOAL #1: Manage forest resources consistent with the principles of Integrated Resource Management.
- GOAL #2: Enhance forest conditions in watersheds.
- GOAL #3: Identify sustainable levels of resource utilization and manage forest resources on a sustained yield basis.
- GOAL #4: Improve the regulation and management of domestic livestock grazing.
- GOAL #5: Improve the quantity and quality of the water resource.
- GOAL #6: Enhance the welfare of the Navajo people through diversification of forest resource use.
- GOAL #7: Conserve threatened and endangered species.

Economic Development Goals

- GOAL #8: Enhance, streamline and coordinate local economic development opportunities, procedures and activities.
- GOAL #9: Ensure that economic development in the forest area is ecologically sound and consistent with cultural values.

Land Use Goals

- GOAL #10: Optimize land use to satisfy the current and future needs of the Navajo people with consideration for integrating housing and dwelling developments or improvements.
 - GOAL #11: Minimize current and future land use conflicts.
 - GOAL #12: Protect, maintain and enhance wetland and riparian areas.
-

GOAL #13: Set aside areas for special Navajo uses.

Vegetation Management Goals

GOAL #14: Maintain plant diversity and provide for the habitat needs of fish and wildlife.

GOAL #15: Improve the regulation and management of timber.

GOAL #16: Develop an improvement program for seeding, weed control and enhancement of range conditions.

GOAL #17: Provide for a yellow pine overstory in forested landscapes and conserve old growth stands.

Cultural Resource Goals

GOAL #18: Protect burial sites; conserve and respect the cultural resources of the Navajo people.

GOAL #19: Develop a bi-lingual communication and education program to increase awareness of Navajo cultural values relative to natural resource management.

GOAL #20: Define how Navajo religious sites and practices determine areas in need of protection.

Implementation Goals

GOAL #21: Improve coordination amongst Departments within the Navajo Nation Division of Natural Resources, as well as with outside state and federal agencies.

GOAL #22: Improve the Navajo Nation's judicial capability for enforcing policy regulations.

GOAL #23: Enforce seasonal grazing restrictions, develop methods to encourage Chapter, family and individual accountability for grazing impacts, and improve general oversight of the grazing program.

GOAL #24: Develop a database to monitor economic development activities.

GOAL #25: Monitor land use and effects on valued resources.

GOAL #26: Monitor water quality, water quantity and forest climate.

GOAL #27: Develop an effective compliance reporting system for timber sale contract administration and post-harvest inspections.

GOAL #28: Ensure compliance with the terms and conditions of forest use permits through public education.

2. The Resources Committee of the Navajo Nation Council directs the Navajo Nation Forestry Department and the Interdisciplinary Team to:

- i) Develop alternatives for the new ten (10) year forest management plan for the Defiance Plateau/Chuska Mountains forest area that identify objectives which attain, as best possible, these goals for resource management;
- ii) Take into account how the concerns and interests of Navajo people, current resource conditions and their productive capability, federal goals and requirements to satisfy specific mandates such as the Endangered Species Act and the National Historic Preservation Act may preclude or enhance the attainment of specific goals;
- iii) For the purpose of the Resources Committee's selection of a preferred alternative, develop a draft new ten (10) year forest management plan for the Defiance Plateau/Chuska Mountain forest area and accompanying draft Environmental Impact Statement that will provide in sufficient detail information allowing for the comparison of alternatives such that it can be readily determined for each alternative in what combination, and to what level, their objectives attain these goals for resource management; and
- iv) Periodically brief the Resources Committee and other interested committees of the Navajo Nation Council on the alternative and how they are able to attain these goals for resource management as they are being developed and evaluated in terms of their consequences.

3. Upon selection of the preferred alternative by the Resources Committee, the Navajo Forestry Department shall develop a final Forest Management Plan and Environmental Impact Statement for consideration and approval by the Resources Committee pursuant to applicable Navajo Nation laws.

4. The Navajo Nation Forestry Department will cooperate with all relevant Navajo Nation Committees, Divisions and Departments to ensure that responsibilities outside of Forestry's jurisdiction such as the management, regulation and enforcement of the various uses of resources (e.g. homesites, livestock grazing, fish and wildlife, recreation) are carried out by those with the jurisdiction to do so.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources 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 4 in favor, 0 opposed and 0 abstained, this 25th day of July, 1995.


Elmer L. Milford, Chairperson
Resources Committee

Motion: Willis Peterson
Second: Harold Tunney

RESOLUTION
OF THE RESOURCES COMMITTEE
OF THE NAVAJO NATION COUNCIL

Approval of a Professional Services Contract Between the Navajo Nation and ETD Environmental Consulting to Prepare an Environmental Impact Statement for the Navajo Nation's 10-Year Forest Management Plan

WHEREAS:

1. Pursuant to 2 N.N.C. §§ 691 and 695 (B) (7) and (11), the Resources Committee is established as a standing committee of the Navajo Nation Council with the responsibility to oversee and approve overall resource management plans of the Navajo Nation, including regulations governing the designation and use of resources and to approve consultants for studies of natural resources; and
2. Pursuant to the National Indian Forest Resources Management Act, P.L. 101-630 section 305 and General Forestry Regulations, 25 CFR Part 163 section 163.11, an appropriate forest management plan shall be prepared and revised as needed for all Indian forest lands; and
3. The Navajo Nation Department of Forestry is developing the Navajo Nation's 10-Year Forest Management Plan (FMP), which is a Navajo Nation priority project; and
4. The development of the FMP includes compliance of 40 CFR 1500-1508 (NEPA compliance), which states in part that reasonable management alternatives need to be identified and assessed to minimize adverse effects to the environment; and
5. To assess impacts of adverse effects, an Environmental Impact Statement (EIS) is to be developed, and due to inadequate time for completion and inexperience of preparing an EIS by Navajo Nation resource professionals, it was determined to contract out the incomplete EIS; and
6. Pursuant to the Navajo Nation's Business Preference Law; 5 N.N.C. §§ 201-218, technical and cost proposals were submitted and ETD Environmental Consulting from Flagstaff, Arizona was selected best overall contractor by the EIS Technical Proposal Evaluation Committee, which will also serve as the Contracting Officer Representative (COR) for the Professional Services Contract; and

7. A Professional Services Contract, attached hereto as Exhibit "A", was prepared between the Navajo Nation and ETD Environmental Consulting to prepare an Environmental Impact Statement for the Navajo Nation's 10-Year Forest Management Plan with a date for completion by March 1998; and

8. Funds under the Navajo Nation Department of Forestry's Indian Forest Lands Assistance Account, under line item 4-47423-6100 for \$103,775.00 and under line item 4-47423-6150 for \$18,351.00 will be used to fulfill the funding requirements of the Professional Services Contract; and

9. The Resources Committee of the Navajo Nation Council recognizes that approval of the Professional Services Contract will result in the completion of the EIS which will be used to finalize the FMP and serve in the best interests of the Navajo Nation.

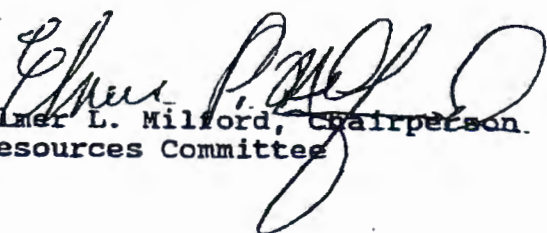
NOW THEREFORE BE IT RESOLVED THAT:

1. The Resources Committee of the Navajo Nation Council approves of a Professional Services Contract, attached hereto as Exhibit "A", between the Navajo Nation and the ETD Environmental Consulting to Prepare an Environmental Impact Statement for the Navajo Nation's 10-Year Forest Management Plan.

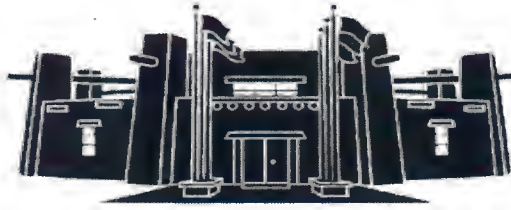
2. The Resources Committee of the Navajo Nation Council authorizes the President of the Navajo Nation to sign the Professional Services Contract.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources 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 5 in favor, 0 opposed and 0 abstained, this 1st day of August, 1997.


Elmer L. Milford, Chairperson.
Resources Committee

Motion: Harold Tunney
Second: Willis Peterson



MEMORANDUM

TO: Honorable Dwight Witherspoon
Navajo Nation Council

FROM: 
Edward A. McCool, Principal Attorney
Office of Legislative Counsel

DATE: October 17, 2017

SUBJECT: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT;
RESCINDING THE MORATORIUM ON NEW STRUCTURES, NEW HOMESITES AND
RANGE UNITS ESTABLISHED BY RESOLUTION RCJY-142-92 "ESTABLISHING A
MORATORIUM ON NEW STRUCTURES, NEW HOMESITES AND RANGE UNITS
WITHIN THE NAVAJO COMMERCIAL FOREST PENDING DEVELOPMENT AND
APPROVAL OF A NEW FOREST MANAGEMENT PLAN"

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting.

Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§500, 501. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0425-17__

SPONSOR: Dwight Witherspoon

TITLE: An Action Relating To Resources And Development; Rescinding The Moratorium On New Structures, New Homesites And Range Units Established By Resolution RCJY-142-92 "Establishing A Moratorium On New Structures, New Homesites And Range Units Within The Navajo Commercial Forest Pending Development And Approval Of A New Forest Management Plan"

Date posted: October 18, 2017 at 7:24 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

**Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586**

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0425-17

SPONSOR: Honorable Dwight Witherspoon

TITLE: An Action Relating to Resources And Development; Rescinding The Moratorium On New Structures, New Homesites And Range Units Established By Resolution RCJY-142-92 "Establishing A Moratorium On New Structures, New Homesites And Range Units Within The Navajo Commercial Forest Pending Development And Approval Of A New Forest Management Plan".

Posted: October 18, 2017 at 7:24 PM

5 DAY Comment Period Ended: October 23, 2017

Digital Comments received:

Comments Supporting (1)	1. Larry Rodgers, Tohatchi Chapter member.
Comments Opposing	<i>None</i>
Inclusive Comments	<i>None</i>



 Legislative Secretary II
 Office of Legislative Services

10/24/2017 8:39am
 Date/Time

Comment to: Legislation 0425-17

Rescinding Resolution RCJY-169-95

Foreword:

The Navajo Nation government has not distance itself from the federal control of Navajo lands. The paternal policies created for Indian Reservations throughout the 1900s are still in place; instead of the BIA administering and enforcing such policies, the Navajo Nation has taken over many of those responsibilities. The same traumatic oppression exercised by federalism is now being applied by the Navajo Nation government on its own people. The Navajo Nation needs to take into consideration the social and economic impacts on the Navajo people, especially from the historical and customary uses of "their" land. Despite the legal definition of who owns "title" to Navajo lands, we (as Navajos) have grown up to believe we are rightful owners of the land. Prior to and upon the return of our ancestors from Hweeldi, the customary concept of "owning" of these lands was implanted in our minds. Those of us from Mexican Springs and Tohatchi and northward to Sanostee and Red Valley have special, revered connections to the Chuska-Lukachukai Mountains. We experienced the oppression during the 1970s and 1980s with deforestation of lumber operations. Timber stands were harvested regardless of home locations, uses, and concern for wildlife.

"Protection" in the federal since has meant to keep people from continued use of our customary lands. Navajos have well-used these lands much more conservatively than outsiders, including the timber industry, wood-suppliers for resale to border town markets, and often annual hunters. The moratorium in Resolution RCJY-169-95 has discouraged land users from improving historic homes or building new homes in the woodland areas of the Chuskas. The Navajo Nation itself should not place additional burden on the Navajo people with such inappropriate policies.

Recommendation:

- 1) **Yes**, Let Legislation 0525-17 rescind the oppressive policy; further
- 2) The Navajo Land Department needs to revisit its home site leasing regulations to relax restrictions to the customary land users in the woodland areas of the Chuska-Lukachukai Mountains to encourage customary land use, more local decision-making discretion should be left to the local grazing committee member for each chapter - they know families in respect to their customary land use areas.

Thank you,
Larry Rodgers, Member
Tohatchi Chapter

**RESOURCES AND DEVELOPMENT COMMITTEE
23rd NAVAJO NATION COUNCIL**

THIRD YEAR 2017

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

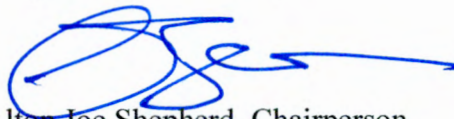
Legislation # 0425-17: An Action Relating to Resources and Development; Re-scinding the Moratorium on New Structures, New Homesites and Range Units Established by Resolution RCJY-142-92, "Establishing A Moratorium on New Structures, New Homesites and Range Units Within the Navajo Commercial Forest Pending Development and Approval of a New Forest Management Plan."

Has had it under consideration and report the same that the matter was TABLED for 60 days.

It appears the interest of the legislation is to help the family to re-established homestead in their customary use area and while the interest is to preserve the forest area. Along with the tabling motion a directive was issued to have all the stakeholders (Division of Natural Resources; Navajo Nation Land Department, Department of Agriculture, Fish and Wildlife Department; Forestry Department; BIA Forestry Department and BIA Regional Office) be present at the work session to provide information on the forest management plan, homesites, grazing permittees, range units, and the proposed integrated resource management plan (IRMP) to assist the Committee in making a decision that will be in the best interest of the Navajo families residing in the commercial forested designated areas.

And thereafter the matter is TABLED.

Respectfully submitted,



Alton Joe Shepherd, Chairperson
Resources and Development Committee of
the 23rd Navajo Nation Council

Date: November 1, 2017

Meeting Location: NN Museum, Window Rock, Arizona

Main Motion: Honorable Benjamin Bennett

Second: Honorable Leonard Pete

Vote:

TABLING MOTION: Walter Phelps

SECOND: Benjamin Bennett

VOTE: 4-0-1