

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

September 18, 2020

Hon. Seth Damon  
Office of the Speaker  
Post Office Box 3390  
Window Rock, AZ 86515

RE: CS-72-20, *An Action Relating to an Emergency; Submission of the Navajo Nation Heritage and Historic Preservation Department's Proposal Entitled "Chaco Canyon Cultural Resources Investigations" to the United States Department of Interior Office of the Secretary*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I am signing CS-72-20 into law.

We have worked with Congressional Representatives on issues surrounding Chaco Canyon National Historical Park and we will continue to advocate for the Navajo Nation's position. One issue included the planned virtual meetings on the Farmington Resource Management Plan – Mancos Gallup Amendment, which did not afford Navajo community members in Eastern Agency an opportunity to review and comment on the Bureau of Land Management changes. This Ethnographic Study proposal ensures the Nation's point of view, history, and culture will be addressed in a meaningful manner. We also take the position that the ethnographic study should be completed before the Farmington Resource Management Plan to provide the RMP more information on which to base a decision.

We will continue to advocate for the Navajo Nation community members in Eastern Agency. Thank you.

Sincerely,

  
Jonathan Nez, President  
THE NAVAJO NATION

  
Myron Lizer, Vice President  
THE NAVAJO NATION

RESOLUTION OF THE  
NAVAJO NATION COUNCIL  
24<sup>th</sup> NAVAJO NATION COUNCIL - SECOND YEAR, 2020

AN ACTION

RELATING TO AN EMERGENCY; SUBMISSION OF THE NAVAJO NATION HERITAGE AND HISTORIC PRESERVATION DEPARTMENT'S PROPOSAL ENTITLED "CHACO CANYON CULTURAL RESOURCES INVESTIGATIONS" TO THE UNITED STATES DEPARTMENT OF INTERIOR OFFICE OF THE SECRETARY

WHEREAS:

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. Pursuant to 2 N.N.C. § 164 (A)(16) "[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council."
- C. The Navajo Nation has received an invitation from the United States Department of the Interior to "submit a proposal to conduct a cultural resources investigation to identify culturally and historically significant areas and sites in the Chaco Canyon area." Letter dated July 27, 2020 from the Secretary of the Interior to the President Jonathan Nez is attached as **Exhibit A**.
- D. The deadline for submissions to be received is no later than 12:00 pm on September 8, 2020. **Exhibit A**.
- E. The Requirements for the Cultural Resources Investigation include that it "Be performed by Tribal cultural experts; Consist of a comprehensive review of available cultural resource materials, consultation with cultural experts, and other appropriate non-invasive means necessary to identify



sites that are culturally affiliated; Give special emphasis to areas of high oil and gas development potential within the Mancos-Gallup Resource Management Plan Amendment (RMPA) Planning Area, as required by the Conference Report authorizing this study and; Culminate in a comprehensive report identifying culturally and historically significant areas and sites." **Exhibit A.**

- F. The Navajo Nation Heritage and Historic Preservation Department has developed the proposal entitled, the *Chaco Canyon and the Navajo: An Ethnographic Study*, which is attached as **Exhibit B**. The Secretary has offered \$1 million for a single ethnographic project that will incorporate both Navajo and Puebloan Tribes. The Navajo Nation strongly objects to this approach of combining the ethnography of Navajo and Puebloan peoples. This project is an opportunity for Navajo people to recount their ties to the land, and their history and origins related to the Chaco Canyon area, without being misrepresented by non-Navajo "scholars and researchers." **Exhibit B** page 1.
- G. The proposal, the *Chaco Canyon and the Navajo: An Ethnographic Study*, states that the Navajo Nation intends to: Promote and protect the sovereignty of the Navajo Nation; Assist in the participation of the Farmington Mancos-Gallup Resource Management Plan Amendment (RMPA) concerning the oil and gas development in the Chacoan landscape through the collection of ethnographic information from local Navajo communities; Preserve the material and cultural remains of the Navajo past, present, and future; Correct 100+ years of misinformation by anthropologists and archaeologists about Navajo history and origins in the Southwest; Strengthen Navajo ties to the Chacoan landscape; Encourage respect for Navajo traditional history (songs and ceremonies); Involve the Navajo public, including the youth, in the management of their cultural resources. **Exhibit B** page 1.
- H. The proposal, the *Chaco Canyon and the Navajo: An Ethnographic Study*, states that "[t]he Navajo Nation intends to base our study on its cultural traditions, primarily our clan system which is evidence of our presence in the Chacoan landscape since time immemorial, and the development and practices of Navajo ceremonialism." **Exhibit B** page 2.

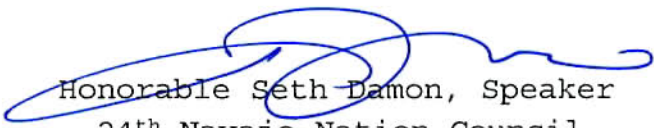
- I. The Navajo Nation Heritage and Historic Preservation Department has developed the "Chaco-Proposed Budget for FY'2021 (A17AV00262)-08/11/20" which is attached as **Exhibit C**. The Proposed Budget specifies the expenditure of \$434,356.07.
- J. The Chaco Canyon and the Navajo: An Ethnographic Study states: "The Navajo people are the individuals primarily affected by any and all development activities in the greater Chacoan Landscape. Navajo people live throughout the project area on Navajo Nation Trust Lands, Individual Indian Allotments (IIA) and on lands that have different statuses. The Navajo Nation Cultural Resources Protection Act (NNCRPA, 1988) governs any ethnographic and archaeological work on any lands under the jurisdiction of the Navajo Nation through the issuance of permits. For all of the reasons mentioned above, we reiterate our request for funds to be given directly to the Navajo Nation to conduct this work so important to our history and maintaining our culture and traditions for our children and grandchildren." **Exhibit B** page 4.
- K. The Navajo Nation Council hereby finds that the submission of the proposal developed by the Navajo Nation Heritage and Historic Preservation Department, entitled the Chaco Canyon and the Navajo: An Ethnographic Study, will promote and protect the sovereignty of the Navajo Nation. The submittal of this proposal to the Secretary of the Interior by the September 8, 2020 deadline is, therefore, an emergency requiring action by the Navajo Nation Council.

**NOW THEREFORE BE IT RESOLVED:**

The Navajo Nation Council hereby approves the submission to the United States Department of Interior of the Navajo Nation Heritage and Historic Preservation Department's proposal regarding the Chaco Canyon and the Navajo: An Ethnographic Study.

## CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 24<sup>th</sup> Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 21 in Favor, and 00 Opposed, on this 4<sup>th</sup> day of September 2020.

  
Honorable Seth Damon, Speaker  
24<sup>th</sup> Navajo Nation Council

Sept 9, 2020  
DATE

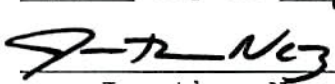
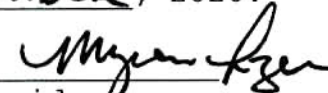
Motion: Honorable Mark A. Freeland

Second: Honorable Rickie Nez

Speaker Seth Damon not voting

## ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this 19<sup>th</sup> day of September, 2020.

   
Jonathan Nez, President  
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this \_\_\_\_\_ day of \_\_\_\_\_, 2020 for the reason(s) expressed in the attached letter to the Speaker.

\_\_\_\_\_  
Jonathan Nez, President  
Navajo Nation





# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

JUL 27 2020



The Honorable Jonathan Nez  
President, Navajo Nation  
PO Box 7440  
Window Rock, Arizona 86515

Dear President Nez:

From March 2020, a lot has happened since we consulted on how the Department of the Interior should solicit proposals on the Chaco Canyon cultural resources investigation. As we work to keep our communities safe, the cultural resources investigation funding offers the opportunity to also help safeguard cultural resources. In this vein, I invite you to submit a proposal to conduct a cultural resources investigation to identify culturally and historically significant areas and sites in the Chaco Canyon area.

**Recommended Approach for Proposals:** During Tribal consultation, it became clear that there are two main Tribal perspectives regarding the culturally and historically significant areas and sites: that of the Pueblos and that of Navajo Nation. Nevertheless, we are looking for one final report of the study findings. For this reason, we strongly encourage the Pueblos and the Navajo Nation to think creatively as to how they could work together through a joint proposal or otherwise to ensure full representation of both perspectives in the study.

**Funding Available for the Cultural Resources Investigation (Study):** There will be at least \$1,000,000 available to fund this study.

**Requirements for the Cultural Resources Investigation (Study):** The study must:

- Be performed by Tribal cultural experts;
- Consist of a comprehensive review of available cultural resource materials, consultation with cultural experts, and other appropriate non-invasive means necessary to identify sites that are culturally affiliated;
- Give special emphasis to areas of high oil and gas development potential within the Mancos-Gallup Resource Management Plan Amendment (RMPA) Planning Area, as required by the Conference Report authorizing this study; and
- Culminate in a comprehensive report identifying culturally and historically significant areas and sites.

**Submission Requirements:** Proposals must include the following information for the Tribe(s) and/or Tribal organization(s) submitting the proposal: name, address, telephone number, executive summary of proposed work, an estimate of overall costs to complete the study, broken down by category (e.g., labor, materials), the identity and credentials of the associated individuals/staff who will be assigned to perform the study, estimated time to complete the study and the signature of the Tribe/organization representative.

**Deadline for Submissions:** In order to be considered, submittals must be received no later than 12:00 p.m. on September 8, 2020.

**Submission Address:** Please submit your proposal electronically to [consultation@bia.gov](mailto:consultation@bia.gov).

I look forward to receiving a proposal that will ensure representation of all relevant Tribal perspectives. If you have any questions on this solicitation, please feel free to contact Mr. Matthew Kelly, Counselor to the Assistant Secretary – Indian Affairs, by email at [matthew.kelly@bia.gov](mailto:matthew.kelly@bia.gov) or phone at (202) 208-7163.

Sincerely,

Tara Sweeney  
Assistant Secretary – Indian Affairs



## Chaco Canyon Cultural Resources Investigations

Funded by the USDOl Office of the Secretary, Washington, DC 20240

Proposal submitted by:

Navajo Nation

Heritage and Historic Preservation Department (NNHHPD)

Richard M Begay, Tribal Historic Preservation Officer

P.O. Box 4950 Window Rock, Arizona 86515

Tel: 928-871-7198

### CHACO CANYON AND THE NAVAJO: AN ETHNOGRAPHIC STUDY

Chaco Canyon, with all its associated outlying places, and the people who once lived there, the *Anaasázi*<sup>1</sup>, are integral to the formation of the Navajo People. Navajo people have a vast amount of oral history about Chaco Canyon. These histories recount the architectural, cultural, social, and ceremonial traditions at Chaco Canyon and elsewhere. The knowledge that came from Pueblo Bonito (Tsé Biiyah 'Anii'ahí), Pueblo Alto (Nááhwíłbiihí Bikin), Kin Ya'a Ruin (Kin Yaa'á), Shabik'eschee Village (Tsé Bik'e'eschí), and other Chacoan places are part of the everyday and ceremonial life of Navajo People.

The Navajo Nation's participation in the Secretary of the Interior's funding of a cultural resources investigation by the Navajo Nation aims to:

- Promote and protect the sovereignty of the Navajo Nation
- Assist in the participation of the Farmington Mancos-Gallup Resource Management Plan Amendment (RMPA) concerning oil and gas development in the Chacoan landscape through the collection of ethnographic information from local Navajo communities
- Preserve the material and cultural remains of the Navajo past, present, and future
- Correct 100+ years of misinformation by anthropologists and archaeologists about Navajo history and origins in the Southwest
- Strengthen Navajo ties to the Chacoan landscape
- Encourage respect for Navajo traditional history (songs and ceremonies)
- Involve the Navajo public, including the youth, in the management of their cultural resources

The Secretary has offered \$1 million for a single ethnographic project that will incorporate both Navajo and Puebloan Tribes. The Navajo Nation strongly objects to this approach of combining the ethnography of Navajo and Puebloan peoples. This project is an opportunity for Navajo people to recount their ties to the land, and their history and origins related to the Chaco Canyon area, without being misrepresented by non-Navajo "scholars and researchers."



Navajo people live in the proposed project area, and the Navajo Nation has Tribal Trust Lands, Fee Simple lands, and other lands under its jurisdiction in the project area. The Navajo people are uniquely affected by any development in the Chacoan landscape. No other present-day Indian Tribes live in the project area. The Navajo people also have strong cultural heritage that includes the "prehistoric" people of the Chacoan world.

The Navajo Nation therefore requests that funds be given directly to the Navajo government so we can conduct our own work and use our own voices to tell of our history and origins. Below is our project proposal. Also attached is a budget.

### The Proposal

The Navajo Nation intends to base our study on its cultural traditions, primarily our clan system, which is evidence of our presence in the Chacoan landscape since time immemorial, and the development and practices of Navajo ceremonialism.

The most prominent clan with origins in Chaco communities is Kinyaa'áanii (Towering House People). They originated from Kinyaa'á, a Chacoan Outlier near present-day Crownpoint, NM. The clan has three well-known subdivisions: Dził t'ahnii Kinyaa'áanii (Mountainside People Kinyaa'áanii), Dootl'izhii Dine'é Kinyaa'áanii (Turquoise People Kinyaa'áanii), and Tázhii Dine'é Kinyaa'áanii (Turkey People Kinyaa'áanii). There may be other subdivisions of Kinyaa'áanii as well. At least ten other Navajo known clans trace their origins to the various Chacoan sites that dot the Southwestern landscape.

The ethnographic project will continue to document Navajo clan origin histories that are not recorded in the existing literature. Numerous Navajo people living in the Eastern Navajo Agency of the Navajo Nation are from the clans that originated at the places mentioned above. They are legitimately concerned about the management of their ancestral and sacred places included in the Chacoan project area.

Many present-day Navajo Holy Way (Diyin k'ehgo) ceremonies can trace a part of their origins to Chaco Canyon or Chacoan Outliers. These ceremonies include: 'Atsájí (Eagle Way); Diné biníłchí'jį (Navajo Wind Way); Dziłk'įjį (Mountain Top Way); Na'at'oyee (Shooting Way); Tóee (Water Way); Tł'éejį (Night Way); and Anaa'jį (Enemy Way). Other ceremonies that are no longer practiced, or only have minor rituals, such as Ajiłee (Prostitution Way), 'lich'ahjį (Moth/Frenzy Way), Hoozhónee (Beauty Way), Maii'jį (Coyote Way), and Yóee (Bead Way), also reference Chacoan places.

The Navajo Nation is actively protecting and managing the remains of the Anasazi both on and off the Navajo reservation. NNHHPD works closely with the National Park Service (NPS), and other affiliated tribes, to repatriate and rebury human remains and associated funerary items on lands managed by NPS as well as other federal agencies. Reburial activities have taken place at Chaco Canyon, Aztec Ruins National Monument, and Mesa Verde National Park, and other park units in the past two decades. We have worked cooperatively with NPS and other tribes to ensure the remains and their ancestral places are protected and treated with respect. The Navajo Nation participation in the repatriation of human remains and associated funerary objects is motivated by ancestral ties related in the strong oral traditions (both clan origin stories and ceremonies) of the Navajo people.



## Proposed Tasks

### Phase I: Literature Review

Timeframe: Two Months

Navajo oral traditions have been extensively recorded since the late 19<sup>th</sup> century by various anthropologists, ecclesiastical organizations (e.g., Franciscans at the St. Michaels Catholic mission in St. Michaels, AZ), traders, and others. In the past few decades, Navajo historians and scholars have also been active in documenting Navajo cultural traditions and histories in and around the greater Chacoan landscape. The literature review will provide an extensive overview of the current existing publications and will provide the basis on proceeding with Phase II (Field Work). The work in Phase I will require travel to various local libraries and other repositories in the greater Southwest, as well as extensive online work.

### Phase II: Fieldwork

Time Frame: Four Months

The majority of the ethnographic work in this phase of the project will involve fieldwork. We propose at least three teams to be led by a senior ethnographer and at least one other person to conduct interviews with local Navajo families/cultural experts. NNHHPD does not have the resources or the personnel to conduct this phase of the work and will contract the project out to a local cultural resources management company that specializes in ethnographic work. Special considerations will include ensuring each team has a fluent Navajo language speaker to collect the information.

The teams will concentrate their work in the following Navajo chapters: Huerfano, Nageezi, Counselor, Pueblo Pintado, Lake Valley, Crownpoint, Becenti, White Horse Lake, and others in the Eastern Navajo Agency. These chapters and communities are centered in the Chacoan landscape, and many local people know the history of Chaco Canyon. Since the Chacoan culture is important to all Navajo people, the interviewers will identify cultural experts and elders from other chapters across the Navajo Nation to supplement the information gathered in the Eastern Navajo Agency.

### Phase III: Report Write-Up

Time Frame: Six Months

The final report will conform to the specifications issued by the Navajo Nation Heritage and Historic Preservation Department (see the Permit Packet). A draft report will be provided to NNHHPD for review before the report is finalized. The report will also provide site forms for sites/places identified by project interviewees, as well as burial identification forms for modern burials. The report will include maps, tables, photos, sketches and other media to aid in the interpretation and use of the information contained in the document. The report will also provide recommendations for the management of significant cultural resources and burials.

Interviews may be recorded if the interviewee agrees to be taped. Original Interview notes and their transcriptions will be provided to the NNHHPD for curation.

Confidential and sensitive cultural information regarding traditional cultural places, burials, and “esoteric” information will be reported in a confidential appendix that will be provided to NNHHPD only. It will not be shared with the DOI or other agencies.

The final report will be delivered to the USDOI Office of the Secretary after approval by the Navajo Nation THPO.

#### Phase IV: Popular Summaries

Time Frame: Four Months

The Navajo Nation will work with its contractor to produce popular summaries of the results of the project for distribution to the people interviewed as well as the chapter houses for curation and distribution.

The Navajo people are the individuals primarily affected by any and all development activities in the greater Chacoan Landscape. Navajo people live throughout the project area on Navajo Nation Trust Lands, Individual Indian Allotments (IIA), and on lands that have different statuses. The Navajo Nation Cultural Resources Protection Act (NNCRPA, 1988) governs any ethnographic and archaeological work on any lands under the jurisdiction of the Navajo Nation through the issuance of permits. For all of the reasons mentioned above, we reiterate our request for funds to be given directly to the Navajo Nation to conduct this work so important to our history and maintaining our culture and traditions for our children and grandchildren.

The Budget for \$434,356.07 is attached herein.

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<sup>i</sup> There is much public debate about the meaning of the word “Anasazi.” The base Navajo word is Anaasáí, or simply naasáí. The word has multiple meanings in multiple contexts. Here I use Anasazi to refer to the “prehistoric” inhabitants of the Southwest. The Navajo word is also used to refer to Paleo-Indian, Archaic, Basketmaker to PI-PIV communities, and other prehistoric populations in the Southwest, such as the Hohokam. Other terms currently in use for the Anasazi include Ancestral People, or Ancestral Pueblo. The Navajo Nation objects to the term Ancestral Pueblo because it erases the Navajo affiliation with the Anasazi.



**Navajo Nation Heritage and Historic Preservation Department  
Chaco - Proposed Budget for FY'2021 (A17AV00262) - 08/11/20**

**PERSONNEL**

Task	Unit	Rate	FY'21
Regular Status Salaries and Wages:		Department Manager III (BC70A) \$34.07 hourly rate x 120 hours	\$4,088.40
		Navajo Cultural Specialist (BC62F) \$19.91 hourly rate x 120 hours	\$2,389.20
		Senior Archaeologist (BC66B) \$24.85 hourly rate x 120 hours	\$2,982.00
		Total Salary	\$9,459.60
Fringe Benefits: Regular Position		46.56%	\$ 4,404.39
FICA/Medicare tax	7.65%	Fringe @ 46.56% for Regular Position is included in Salaries and wages below	
Unemployment	2.41%		
Group Insurance	15.70%		
Retirement	18.10%		
401K Plan	2.00%		
Annual leave	0.70%		
Total:	46.56%		
		TOTAL PERSONNEL (REGULAR STATUS & FRINGE BENEFITS)	\$13,863.99
Task	Unit	Rate	Per Year
Temporary Status Salaries and Wages:		Intern, temporary status (BC56A) \$10.46 hourly rate x 160 hours	\$1,673.60
		Total Salary for Intern	\$1,673.60
Fringe Benefits: Regular Position		10.06%	\$168.36
FICA/Medicare tax	7.65%	Fringe @ 9.68% for Temporary Position is included in Salaries and wages below	
Unemployment	2.41%		
Group Insurance	0.00%		
Retirement	0.00%		
401K Plan	0.00%		
Total:	10.06%		
		TOTAL PERSONNEL (TEMPORARY & FRINGE BENEFITS)	\$1,841.96
		TOTAL SALARY & FRINGE BENEFITS (BOTH POSITIONS)	\$15,705.95
General Liability		(Total Salary & Fringe Benefits) x \$0.41/ 100	\$64.39
Workers Comp.		Total Salary x \$0.77 / 100	\$85.73
TOTAL PERSONNEL:			\$15,856.07
Travel			
Vehicles & Travel Cost			Total: \$4,000.00
Supplies			
Operating Supplies			Total: \$1,500.00
Contractual Services			Total: \$405,000.00
Special Transaction			\$8,000.00
Grand Total:			\$434,356.07

## NAVAJO NATION

9/4/2020

Navajo Nation Council Special Session

09:44:10 PM

Amd# to Amd#	Legislation 0218-20: Relating	PASSED
MOT Freeland, M	to an Emergency; Submission of	
SEC Nez, R	the Navajo Nation Heritage and	
	Historic Preservation Department	

Yeas : 21

Nays : 0

Excused : 1

Not Voting : 1

## Yea : 21

Begay, E	Daniels	Slater, C	Tso, D
Begay, K	Freeland, M	Smith	Walker, T
Begay, P	Halona, P	Stewart, W	Wauneka, E
Brown	Henio, J	Tso	Yazzie
Charles-Newton	Nez, R	Tso, C	Yellowhair
Crotty			

## Nay : 0

## Excused : 1

Tso, E

## Not Voting : 1

James, V

Presiding Speaker: Damon