**LEGISLATIVE SUMMARY SHEET**
**Tracking No.** 0189-19

**DATE:** July 2, 2019

AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE AND THE NAABIK'ÍYÁTÍ COMMITTEE;
AUTHORIZING AND REQUIRING NAVAJO NATION LEADERSHIP TO MEET WITH THE NEW MEXICO CONGRESSIONAL DELEGATION SPONSORS OF THE "CHACO CULTURAL HERITAGE AREA PROTECTION ACT OF 2019", (FEDERAL LEGISLATIONS S-1079 AND HR-2181) TO EXPRESS NAVAJO NATION CONCERNS WITH THE LEGISLATION AND TO REQUEST THE ENERGY AND NATURAL RESOURCES COMMITTEE OF THE UNITED STATES SENATE TO HOLD HEARINGS IN THE TARGET AREA TO RECEIVE TESTIMONY FROM ALL AFFECTED NAVAJO ALLOTTEES IMPACTED BY THE CHACO CULTURAL HERITAGE PROTECTION ACT OF 2019; SUCH ACTIONS TO TAKE PLACE BEFORE THE NAVAJO NATION ADOPTS AN OFFICIAL POSITION REGARDING THE "CHACO CULTURAL HERITAGE AREA AND PROTECTION ACT OF 2019

**PURPOSE:** Authorizing and requiring Navajo Nation leadership to meet with the New Mexico Congressional delegation regarding the Chaco Cultural Heritage Area Protection Act of 2019 and to request in addition that the Energy and Natural Resources Committee of the United States Senate hold hearings in the affected areas of Navajo Nation.

**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: _____
Website Posting Time/Date: 7:30pm 7/3/19
Posting End Date: 7/8/19
Eligible for Action: 7/9/19

Resources & Development Committee
Thence
Naabik'íyáti' Committee

PROPOSED NAVAJO NATION COMMITTEE RESOLUTION

**24th NAVAJO NATION COUNCIL – First Year, 2019**

Thomas Walker, Jr.

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0189-19

**AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE AND THE NAABIK'ÍYÁTÍ COMMITTEE; AUTHORIZING AND REQUIRING NAVAJO NATION LEADERSHIP TO MEET WITH THE NEW MEXICO CONGRESSIONAL DELEGATION SPONSORS OF THE "CHACO CULTURAL HERITAGE AREA PROTECTION ACT OF 2019", (FEDERAL LEGISLATIONS S-1079 AND HR-2181) TO EXPRESS NAVAJO NATION CONCERNS WITH THE LEGISLATION AND TO REQUEST THE ENERGY AND NATURAL RESOURCES COMMITTEE OF THE UNITED STATES SENATE TO HOLD HEARINGS IN THE TARGET AREA TO RECEIVE TESTIMONY FROM ALL AFFECTED NAVAJO ALLOTTEES IMPACTED BY THE CHACO CULTURAL HERITAGE PROTECTION ACT OF 2019; SUCH ACTIONS TO TAKE PLACE BEFORE THE NAVAJO NATION ADOPTS AN OFFICIAL POSITION REGARDING THE "CHACO CULTURAL HERITAGE AREA AND PROTECTION ACT OF 2019**

**WHEREAS:**

A. The Resources and Development Committee of the Navajo Nation Council exercises oversight authority over water, land, grazing, environment, economic and community development. 2 N.N.C. §500 (C).



19-341-1

B. The Naabik'íyáti Committee of the Navajo Nation Council is the standing committee empowered to coordinate and pronounce the official position of the Navajo Nation before non-Navajo government federal, state or other entities. 2 N.N.C. § 700 (A).

C. This legislation is a necessary response to current developments involving actions of the New Mexico Congressional Delegation and the "Chaco Cultural Heritage Area Protection Act of 2019"( Act); Legislation S. 1079 and H.R. 2181. See Exhibit A.

D. These bills, S.1079 and its companion bill H.R. 2181, both sharing the common title "Chaco Cultural Heritage Area Protection Act of 2019", have been sponsored by the New Mexico Congressional delegation.

E. The "Chaco Cultural Heritage Area Protection Act of 2019" in an effort to protect the archeological, sacred and historic resources located throughout the Greater Chaco region severely restricts, prohibits in effect, any extraction operations from occurring on lands within the Act's expansive impact area. See Exhibit A.

F. The Act will have a major and severe impact on the lands rightly owned by the numerous Navajo Nation allottees in that affected area. See Exhibit B.

G. The Navajo Nation finds it is in the best interest of the Diné that the Navajo Nation, through its leadership, including the Speaker of the Navajo Nation or his designee, the President of the Navajo Nation or his designee and other selected members of leadership as they may choose to meet with and communicate to the New Mexico Congressional delegation, the concerns of the Navajo Nation regarding "Chaco Cultural Heritage Area Protection Act of 2019".

H. The Navajo Nation finds it is in the best interest of the Diné that the Navajo Nation leadership formally request and make best efforts to ensure that the Energy and Natural Resources Committee of the United States Senate hold on-site hearings on the impact of the "Chaco Cultural Heritage Protection Act of 2019" on the Navajo Nation.

**THEREFORE, BE IT RESOLVED:**

A. The Navajo Nation hereby requires and so authorizes the Navajo Nation leadership, including the Speaker of the Navajo Nation or his designee, and the President of the

Navajo Nation or his designee and other selected members of leadership as they may choose, to meet with and communicate to the New Mexico Congressional delegation, the concerns of the Navajo Nation regarding "Chaco Cultural Heritage Area Protection Act of 2019".

B. The Navajo Nation hereby directs the Speaker of the Navajo Nation Council or his designee and the President of the Navajo Nation or his designee to formally request and make their best efforts to ensure, that the Energy and Natural Resources Committee of the United States Senate hold on-site hearings on the impact of the "Chaco Cultural Heritage Protection Act of 2019" on the Navajo Nation.

C. It is the intent of this legislation that no official position of the Navajo Nation regarding the "Chaco Cultural Heritage Protection Act of 2019" be adopted until the meetings and hearings directed by this legislation have occurred.

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116TH CONGRESS
1ST SESSION

# S. 1079

To provide for the withdrawal and protection of certain Federal land in the State of New Mexico.

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IN THE SENATE OF THE UNITED STATES

APRIL 9, 2019

Mr. UDALL (for himself and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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# A BILL

To provide for the withdrawal and protection of certain Federal land in the State of New Mexico.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Chaco Cultural Heritage Area Protection Act of 2019".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) there are archeological, sacred, and historic resources located throughout the Greater Chaco re-

gion, which spans the States of New Mexico, Arizona, Utah, and Colorado;

(2) the Chaco Culture National Historical Park, a unit of the National Park System and a United Nations Educational, Scientific and Cultural Organization World Heritage Site, is known around the world—

(A) for multi-story buildings constructed by the Chacoan people that are still standing; and

(B) as the nerve center of a culture that spread throughout and dominated the Four Corners area during the 9th, 10th, and 11th centuries;

(3) the Chacoan people built hundreds of miles of roads and a network of villages, shrines, and communications sites, many of which are still visible;

(4) many Pueblos and Indian Tribes in the Four Corners area claim cultural affiliation with, and are descended from, the Chacoan people;

(5) the landscape around the Chaco Culture National Historical Park includes hundreds of internationally and nationally significant cultural resources, including prehistoric roads, communities, and shrines—

(A) many of which are related to the resources found in the Chaco Culture National Historical Park, including the resources recognized by the amendment made by section 3 of the Chacoan Outliers Protection Act of 1995 (16 U.S.C. 410ii note; Public Law 104–11) providing for additional Chaco Culture Archeological Protection Sites;

(B) a significant number of which are concentrated within the immediate area surrounding the Chaco Culture National Historical Park; and

(C) that are commonly recognized by archeologists;

(6) long considered one of the best places for stargazing in the world, Chaco Culture National Historical Park—

(A) in 1991, established a night skies protection initiative and interpretive program to protect the night sky in the area of the Chaco Culture National Historical Park; and

(B) in 2013, was certified as an International Dark Sky Park;

(7) the Greater Chaco landscape in the State of New Mexico extends beyond Chaco Culture National Historical Park and encompasses—

(A) local communities, including Pueblos and Indian Tribes; and

(B) public land, which includes additional cultural resources and sacred sites;

(8) for over 110 years, the Federal Government has recognized the importance of the area in which the Chacoan people lived and has acted to protect historic and sacred sites in the area, including—

(A) Chaco Canyon, which was designated as a National Monument in 1907 and as the Chaco Culture National Historical Park in 1980;

(B) the Aztec Ruins, which was designated as a National Monument in 1923 and expanded in each of 1928, 1930, 1948, and 1988; and

(C) the 39 Chaco Culture Archeological Protection Sites designated in 1995;

(9) recognizes that the standard for Tribal consultation is outlined in Executive Order 13175 (25 U.S.C. 5301 note; relating to consultation and coordination with Indian Tribal governments);

(10) extensive natural gas development has occurred in the Greater Chaco region that affect the health, safety, economies, and quality of life of local communities;

(11) renewed interest in oil exploration and production within the Mancos/Gallup Shale play has increased the potential for—

(A) significant impacts on resources and visitor experiences at the Chaco Culture National Historical Park; and

(B) additional impacts on local communities in the Greater Chaco region, including Pueblos and Indian Tribes;

(12) a mineral withdrawal in the landscape around the Chaco Culture National Historical Park would prevent leasing and development in the immediate area surrounding the Chaco Culture National Historical Park, which would protect resources and visitor experiences at the Chaco Culture National Historical Park; and

(13) additional studies and protective measures should be undertaken to address health, safety, and environmental impacts on communities and interests of Pueblos and Indian Tribes in the Greater Chaco landscape.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) COVERED LEASE.—The term "covered lease" means any oil and gas lease for Federal land—

(A) on which drilling operations have not been commenced before the end of the primary term of the applicable lease;

(B) that is not producing oil or gas in paying quantities; and

(C) that is not subject to a valid cooperative or unit plan of development or operation certified by the Secretary to be necessary.

(2) FEDERAL LAND.—

(A) IN GENERAL.—The term "Federal land" means—

(i) any Federal land or interest in Federal land that is within the boundaries of the Chaco Cultural Heritage Withdrawal Area, as depicted on the Map; and

(ii) any land or interest in land located within the boundaries of the Chaco Cultural Heritage Withdrawal Area, as depicted on the Map, that is acquired by the Federal Government after the date of enactment of this Act.

(B) EXCLUSION.—The term "Federal land" does not include trust land (as defined in section 3765 of title 38, United States Code).

(3) MAP.—The term "Map" means the map prepared by the Bureau of Land Management entitled "Chaco Cultural Heritage Withdrawal Area" and dated April 2, 2019.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

**SEC. 4. WITHDRAWAL OF CERTAIN FEDERAL LAND IN THE STATE OF NEW MEXICO.**

(a) IN GENERAL.—Subject to any valid existing rights, the Federal land is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) AVAILABILITY OF MAP.—The Map shall be made available for inspection at each appropriate office of the Bureau of Land Management.

(c) CONVEYANCE OF FEDERAL LAND TO INDIAN TRIBES.—Notwithstanding subsection (a), the Secretary may convey the Federal land to, or exchange the Federal

land with, an Indian Tribe in accordance with a resource management plan that is approved as of the date of enactment of this Act, as subsequently developed, amended, or revised in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and any other applicable law.

**SEC. 5. OIL AND GAS LEASE MANAGEMENT.**

(a) TERMINATION OF NON-PRODUCING LEASES.—A covered lease—

(1) shall automatically terminate by operation of law pursuant to section 17(e) of the Mineral Leasing Act (30 U.S.C. 226(e)) and subpart 3108 of title 43, Code of Federal Regulations (or successor regulations); and

(2) may not be extended by the Secretary.

(b) WITHDRAWAL OF TERMINATED, RELINQUISHED, OR ACQUIRED LEASES.—Any portion of the Federal land subject to a covered lease terminated under subsection (a) or otherwise or relinquished or acquired by the United States on or after the date of enactment of this Act is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent undermining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

**SEC. 6. EFFECT.**

Nothing in this Act—

(1) affects the mineral rights of an Indian Tribe or member of an Indian Tribe to trust land or allotment land; or

(2) precludes improvements to, or rights-of-way for water, power, or road development on, the Federal land to assist communities adjacent to or in the vicinity of the Federal land.

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116TH CONGRESS
1ST SESSION

# H. R. 2181

To provide for the withdrawal and protection of certain Federal land in the State of New Mexico.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 9, 2019

Mr. LUJÁN (for himself, Ms. TORRES SMALL of New Mexico, Ms. HAALAND, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on Natural Resources

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# A BILL

To provide for the withdrawal and protection of certain Federal land in the State of New Mexico.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

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(3) the Chacoan people built hundreds of miles of roads and a network of villages, shrines, and communications sites, many of which are still visible;

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(b) WITHDRAWAL OF TERMINATED, RELINQUISHED, OR ACQUIRED LEASES.—Any portion of the Federal land subject to a covered lease terminated under subsection (a) or otherwise or relinquished or acquired by the United States on or after the date of enactment of this Act is withdrawn from—

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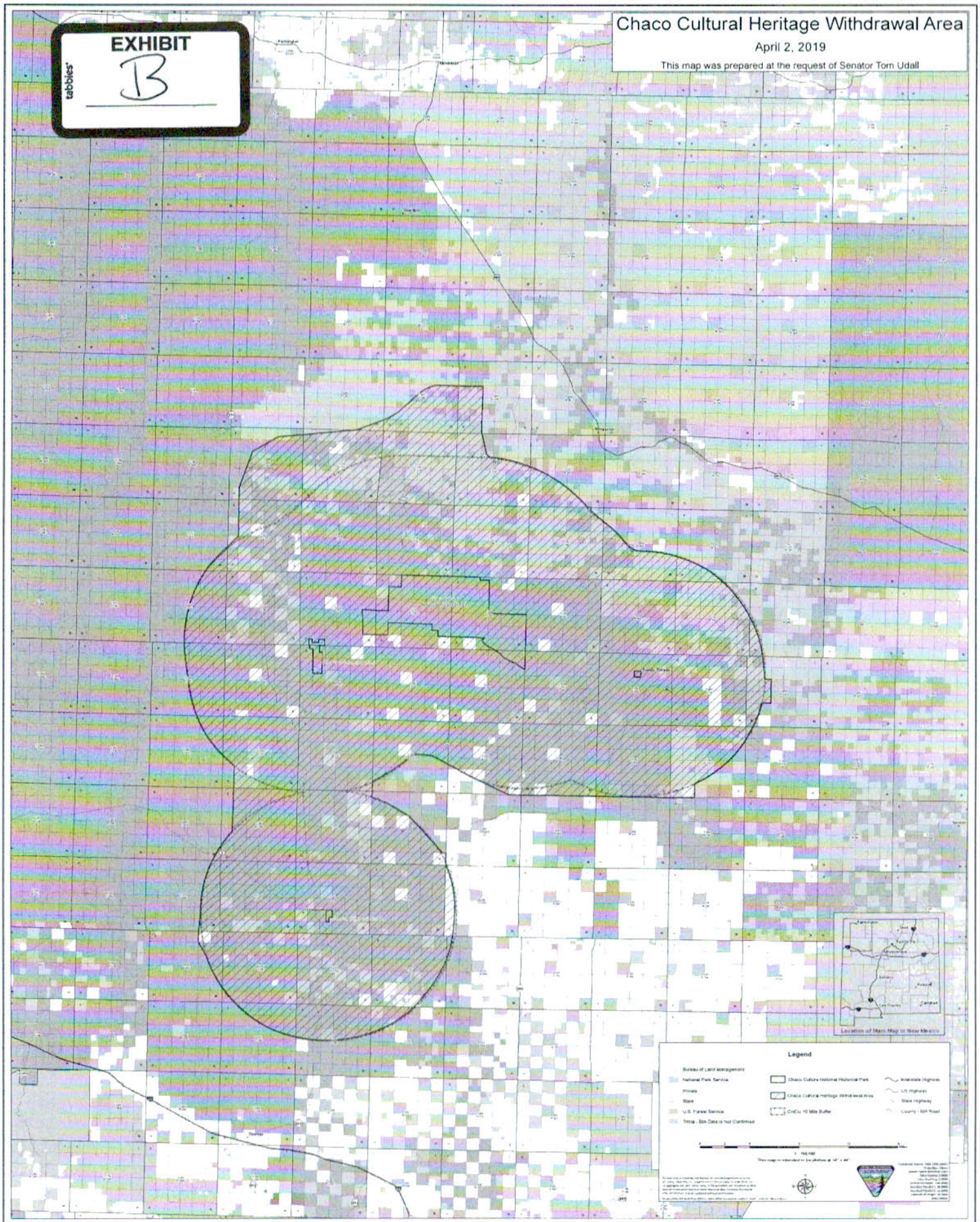
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EXHIBIT
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# Chaco Cultural Heritage Withdrawal Area

April 2, 2019

This map was prepared at the request of Senator Tom Udall



*Office of Legislative Counsel*
*Telephone: (928) 871-7166*
*Fax # (928) 871-7576*



*Honorable Seth Damon*
*Speaker*
*24th Navajo Nation Council*

**MEMORANDUM**

**TO**: Honorable Seth Damon
Honorable Mark Freeland
24th Navajo Nation Council

**FROM:** Edward A. McCool, Acting-Chief Legislative Counsel
Office of Legislative Counsel

**DATE:** July 2, 2019

AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE AND THE NAABIK'ÍYÁTÍ COMMITTEE;
AUTHORIZING AND REQUIRING NAVAJO NATION LEADERSHIP TO MEET WITH THE NEW MEXICO CONGRESSIONAL DELEGATION SPONSORS OF THE "CHACO CULTURAL HERITAGE AREA PROTECTION ACT OF 2019", (FEDERAL LEGISLATIONS S-1079 AND HR-2181) TO EXPRESS NAVAJO NATION CONCERNS WITH THE LEGISLATION AND TO REQUEST THE ENERGY AND NATURAL RESOURCES COMMITTEE OF THE UNITED STATES SENATE TO HOLD HEARINGS IN THE TARGET AREA TO RECEIVE TESTIMONY FROM ALL AFFECTED NAVAJO ALLOTTEES IMPACTED BY THE CHACO CULTURAL HERITAGE PROTECTION ACT OF 2019; SUCH ACTIONS TO TAKE PLACE BEFORE THE NAVAJO NATION ADOPTS AN OFFICIAL POSITION REGARDING THE "CHACO CULTURAL HERITAGE AREA AND PROTECTION ACT OF 2019

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:** 0189-19 **SPONSOR:** Mark Freeland

**TITLE:** An Action Relating To The Resources And Development Committee And The NAABIK'IYATI' Committee; Authorizing And Requiring Navajo Nation Leadership To Meet With The New Mexico Congressional Delegation Sponsors Of The "Chaco Cultural Heritage Area Protection Act Of 2019", (Federal Legislations S-1079 And HR-2181) To Express Navajo Nation Concerns With The Legislation And To Request The Energy And Natural Resources Committee Of The United States Senate To Hold Hearings In The Target Area To Receive Testimony From All Affected Navajo Allottees Impacted By The Chaco Cultural Heritage Protection Act Of 2019; Such Actions To Take Place Before The Navajo Nation Adopts An Official Position Regarding The "Chaco Cultural Heritage Area And Protection Act Of 2019

*Date posted*: July 3, 2019 at 7:30 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.*