

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: High
Website Posting Time/Date: _____
Posting End Date: 7/8/19
Eligible for Action: 7/9/19

Resources & Development Committee
Thence
Naabik'iyáti' Committee

PROPOSED NAVAJO NATION COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL – First Year, 2019

Thomas Walker, Jr.
INTRODUCED BY

William [unclear]
[Signature]
(Prime Sponsor)

TRACKING NO. 0189-19

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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).

- 1 B. The Naabik'iyáti Committee of the Navajo Nation Council is the standing committee
2 empowered to coordinate and pronounce the official position of the Navajo Nation
3 before non-Navajo government federal, state or other entities. 2 N.N.C. § 700 (A).
- 4 C. This legislation is a necessary response to current developments involving actions of
5 the New Mexico Congressional Delegation and the "Chaco Cultural Heritage Area
6 Protection Act of 2019"(Act); Legislation S. 1079 and H.R. 2181. See Exhibit A.
- 7 D. These bills, S.1079 and its companion bill H.R. 2181, both sharing the common title
8 "Chaco Cultural Heritage Area Protection Act of 2019", have been sponsored by the
9 New Mexico Congressional delegation.
- 10 E. The "Chaco Cultural Heritage Area Protection Act of 2019" in an effort to protect the
11 archeological, sacred and historic resources located throughout the Greater Chaco
12 region severely restricts, prohibits in effect, any extraction operations from occurring
13 on lands within the Act's expansive impact area. See Exhibit A.
- 14 F. The Act will have a major and severe impact on the lands rightly owned by the
15 numerous Navajo Nation allottees in that affected area. See Exhibit B.
- 16 G. The Navajo Nation finds it is in the best interest of the Diné that the Navajo Nation,
17 through its leadership, including the Speaker of the Navajo Nation or his designee,
18 the President of the Navajo Nation or his designee and other selected members of
19 leadership as they may choose to meet with and communicate to the New Mexico
20 Congressional delegation, the concerns of the Navajo Nation regarding "Chaco
21 Cultural Heritage Area Protection Act of 2019".
- 22 H. The Navajo Nation finds it is in the best interest of the Diné that the Navajo Nation
23 leadership formally request and make best efforts to ensure that the Energy and
24 Natural Resources Committee of the United States Senate hold on-site hearings on the
25 impact of the "Chaco Cultural Heritage Protection Act of 2019" on the Navajo
26 Nation.

27
28 **THEREFORE, BE IT RESOLVED:**

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

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

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

10 C. It is the intent of this legislation that no official position of the Navajo Nation
11 regarding the “Chaco Cultural Heritage Protection Act of 2019” be adopted until the
12 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.

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 Nat-
ural Resources

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Chaco Cultural Herit-
5 age Area Protection Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

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

1 gion, which spans the States of New Mexico, Ari-
2 zona, Utah, and Colorado;

3 (2) the Chaco Culture National Historical Park,
4 a unit of the National Park System and a United
5 Nations Educational, Scientific and Cultural Organi-
6 zation World Heritage Site, is known around the
7 world—

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

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

15 (3) the Chacoan people built hundreds of miles
16 of roads and a network of villages, shrines, and com-
17 munications sites, many of which are still visible;

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

21 (5) the landscape around the Chaco Culture
22 National Historical Park includes hundreds of inter-
23 nationally and nationally significant cultural re-
24 sources, including prehistoric roads, communities,
25 and shrines—

1 (A) many of which are related to the re-
2 sources found in the Chaco Culture National
3 Historical Park, including the resources recog-
4 nized by the amendment made by section 3 of
5 the Chacoan Outliers Protection Act of 1995
6 (16 U.S.C. 410ii note; Public Law 104–11)
7 providing for additional Chaco Culture Archeo-
8 logical Protection Sites;

9 (B) a significant number of which are con-
10 centrated within the immediate area sur-
11 rounding the Chaco Culture National Historical
12 Park; and

13 (C) that are commonly recognized by ar-
14 cheologists;

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

18 (A) in 1991, established a night skies pro-
19 tection initiative and interpretive program to
20 protect the night sky in the area of the Chaco
21 Culture National Historical Park; and

22 (B) in 2013, was certified as an Inter-
23 national Dark Sky Park;

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

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

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

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

12 (A) Chaco Canyon, which was designated
13 as a National Monument in 1907 and as the
14 Chaco Culture National Historical Park in
15 1980;

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

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

21 (9) recognizes that the standard for Tribal con-
22 sultation is outlined in Executive Order 13175 (25
23 U.S.C. 5301 note; relating to consultation and co-
24 ordination with Indian Tribal governments);

(10) extensive natural gas development has occurred in the Greater Chaco region that affect the health, safety, economics, 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.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **COVERED LEASE.**—The term “covered
4 lease” means any oil and gas lease for Federal
5 land—

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

9 (B) that is not producing oil or gas in pay-
10 ing quantities; and

11 (C) that is not subject to a valid coopera-
12 tive or unit plan of development or operation
13 certified by the Secretary to be necessary.

14 (2) **FEDERAL LAND.**—

15 (A) **IN GENERAL.**—The term “Federal
16 land” means—

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

21 (ii) any land or interest in land lo-
22 cated within the boundaries of the Chaco
23 Cultural Heritage Withdrawal Area, as de-
24 picted on the Map, that is acquired by the
25 Federal Government after the date of en-
26 actment of this Act.

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

4 (3) MAP.—The term “Map” means the map
5 prepared by the Bureau of Land Management enti-
6 tled “Chaco Cultural Heritage Withdrawal Area”
7 and dated April 2, 2019.

8 (4) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

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

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

14 (1) all forms of entry, appropriation, and dis-
15 posal under the public land laws;

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

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

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

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

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

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

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

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

15 (2) may not be extended by the Secretary.

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

22 (1) all forms of entry, appropriation, and dis-
23 posal under the public land laws;

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25 laws; and

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2 materials, and geothermal leasing laws.

3 **SEC. 6. EFFECT.**

4 Nothing in this Act—

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

8 (2) precludes improvements to, or rights-of-way
9 for water, power, or road development on, the Fed-
10 eral land to assist communities adjacent to or in the
11 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.

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

A BILL

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○

EXHIBIT

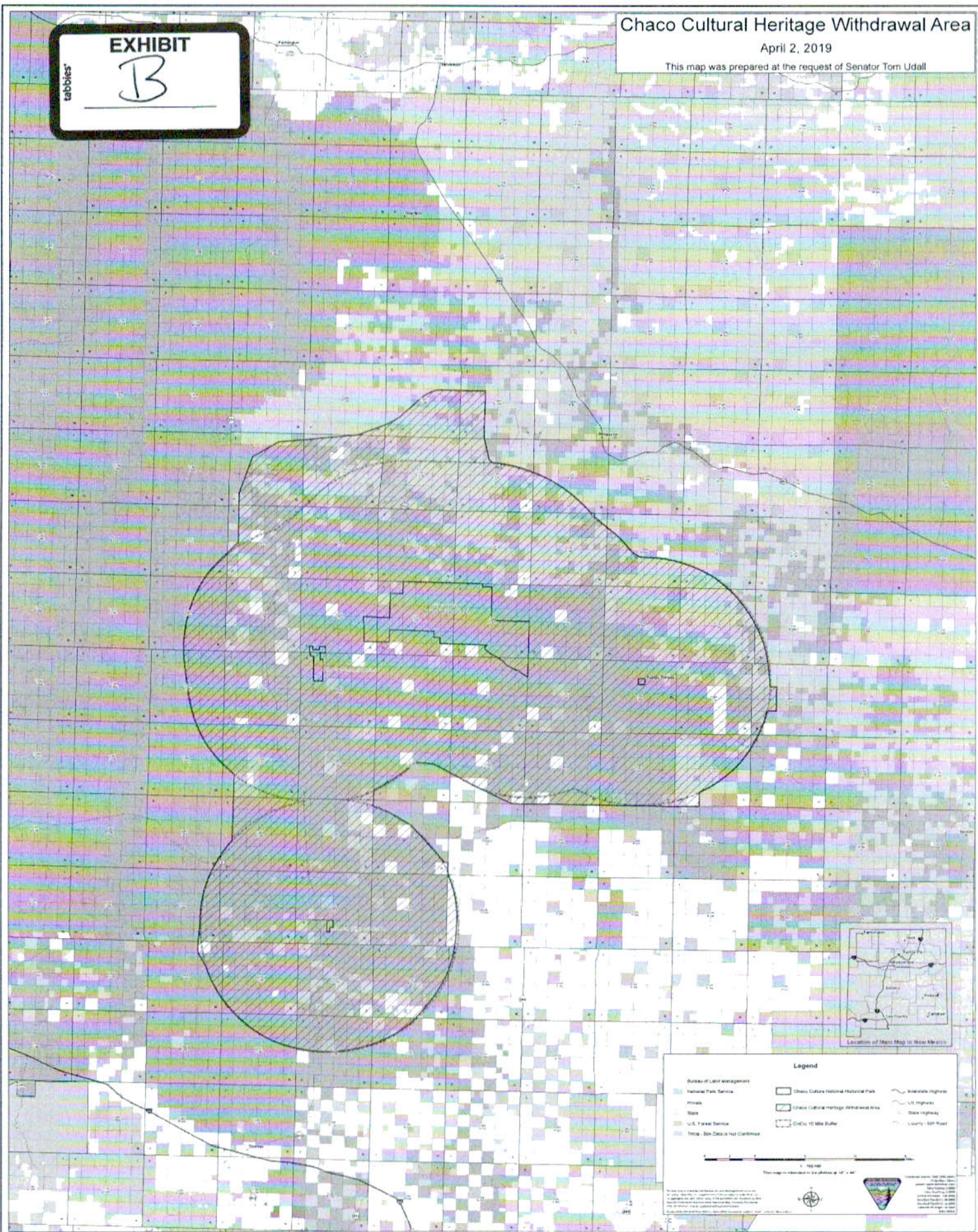
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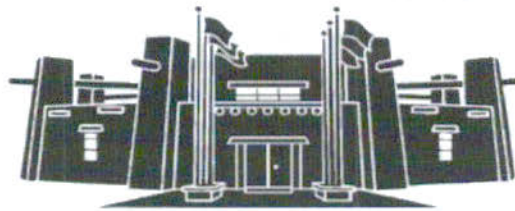
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Chaco Cultural Heritage Withdrawal Area

April 2, 2019

This map was prepared at the request of Senator Tom Udall





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.