

## LEGISLATIVE SUMMARY SHEET

Tracking No. 0361-16

**DATE:** October 5, 2016

**TITLE OF RESOLUTION:** A PROPOSED NAVAJO NATION COUNCIL RESOLUTION, AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; AMENDING CAP-26-16 BY EXEMPTING RANGE UNITS 110, 601, 602, 603, 301, AND 310 FROM THE DETERMINATION OF NAVAJO PARTITIONED LANDS RANGE UNIT BOUNDARIES AND GRAZING DISTRICTS; AMENDING IGRJN-110-10 BY EXEMPTING RANGE UNITS 110, 601, 602, 603, 301, AND 310 FROM ELIGIBILITY CRITERIA FOR ISSUANCE OF NEW NAVAJO PARTITIONED LAND GRAZING PERMITS; AUTHORIZING KAYENTA CHAPTER AND CHILCHINBETO CHAPTER OFFICIALS TO DISCUSS WITH LAND USERS, PERMITTEES, AND RESIDENTS OF RANGE UNITS 110, 601, 602, 603, 301, AND 310 THE BOUNDARIES AND GRAZING PERMITS ELIGIBILITY CRITERIA FOR THESE RANGE UNITS; AND, DIRECTING THAT THE KAYENTA CHAPTER AND CHILCHINBETO CHAPTER OFFICIALS PROVIDE A REPORT TO THE NAVAJO NATION COUNCIL ON THESE MATTERS

**PURPOSE:** The purpose of the resolution is to amend CAP-26-16 to exempt Range Units 110, 601, 602, 603, 301, AND 310 from the range unit boundary determinations; to amend IGRJN-110-10 110, 601, 602, 603, 301, and 310 from the grazing permit eligibility requirements; to authorize the Kayenta and Chilchimbeto Chapter officials to discuss range unit boundaries and grazing permit eligibility requirements with residents, former permittees, and land users from those range units; to direct Kayenta and Chilchimbeto Chapter officials to report to the Navajo Nation Council about the discussions with the residents, former permit holders and land users.

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 to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 11 a.m.  
Website Posting Time/Date: 5:10pm 10/16/16  
Posting End Date: 10/11/2016  
Eligible for Action: 10/12/2016

Resources & Development Committee

THENCE

Naa'bik'íyáti' Committee

THENCE

Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23<sup>rd</sup> NAVAJO NATION COUNCIL—Second Year, 2016

INTRODUCED BY



Herman Daniels, Jr.

Primary Sponsor

TRACKING NO. 0361-16

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; AMENDING CAP-26-16 BY EXEMPTING RANGE UNITS 110, 601, 602, 603, 301, AND 310 FROM THE DETERMINATION OF NAVAJO PARTITIONED LANDS RANGE UNIT BOUNDARIES AND GRAZING DISTRICTS; AMENDING IGRJN-110-10 BY EXEMPTING RANGE UNITS 110, 601, 602, 603, 301, AND 310 FROM ELIGIBILITY CRITERIA FOR ISSUANCE OF NEW NAVAJO PARTITIONED LAND GRAZING PERMITS; AUTHORIZING KAYENTA CHAPTER AND CHILCHINBETO CHAPTER OFFICIALS TO DISCUSS WITH LAND USERS, PERMITTEES, AND RESIDENTS OF RANGE UNITS 110, 601, 602, 603, 301, AND 310 THE BOUNDARIES AND GRAZING PERMITS ELIGIBILITY CRITERIA FOR THESE RANGE UNITS; AND, DIRECTING THAT THE KAYENTA CHAPTER AND CHILCHINBETO CHAPTER OFFICIALS PROVIDE A REPORT TO THE NAVAJO NATION COUNCIL ON THESE MATTERS

BE IT ENACTED:

**Section One. Authority**

- A. The Resources and Development Committee is designated by the Navajo Nation Council as the Central Grazing Committee. 3 N.N.C. § 831.
- B. Pursuant to 2 N.N.C. § 164(A)(9), a proposed resolution that requires final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee before it is heard by the Navajo Nation Council.

1 C. Pursuant to Navajo Nation Code Title 3 § 705, "The Commissioner of Indian Affairs  
2 has established and will retain the present land management districts within the  
3 Navajo Indian Reservation, based on the social and economic requirements of the  
4 Navajo Indians and the necessity of rehabilitating the grazing lands. District  
5 boundary changes may be made when deemed necessary and advisable by the District  
6 Grazing Committees, Central Grazing Committee and the Navajo Nation Council,  
7 with approval by the Superintendent, Area Director, and the Commissioner of Indian  
8 Affairs."

9  
10 **Section Two. Findings**

11 A. The Navajo Nation Council passed Resolution Number CAP-26-16 entitled *Adopting*  
12 *and Confirming the Range Unit Boundaries and Grazing Districts Established by the*  
13 *Bureau of Indian Affairs for the Navajo Partitioned Lands* which was certified on  
14 April 28, 2016 and is attached as Exhibit "1."

15 B. The Intergovernmental Relations Committee passed Resolution Number IGRJN-110-  
16 10 which approved the eligibility requirements for persons to qualify for issuance of  
17 grazing permits on Navajo Partitioned Lands and which is attached as Exhibit "2."

18 C. The Black Mesa Review Board, the Chilchinbeto Chapter, and the Kayenta Chapter  
19 have passed resolutions (attached as Exhibits "3," "4" and "5" respectively) asking  
20 the Navajo Nation Council to amend CAP-26-16 to exempt Range Units 110, 601,  
21 602, 603, 301, and 310. The resolutions also ask that the Navajo Nation Council  
22 exempt potential grazing permittees in Range Units 110, 601, 602, 603, 301, and 310  
23 from Navajo Partitioned Lands grazing permit eligibility requirements which are  
24 contained in Resolution Number IGRJN-110-10. The chapters also ask that the  
25 Navajo Nation Council allow residents, land users and potential permittees to further  
26 discuss the issues of boundaries and grazing permit eligibility requirements.

27 D. It is in the best interest of the Navajo Nation to exempt the Range Units 110, 601,  
28 602, 603, 301, and 310 from Navajo Nation Council Resolution CAP-26-16.

29 E. It is in the best interest of the Navajo Nation to exempt grazing permit holders from  
30 Range Units 110, 601, 602, 603, 301, and 310 from Navajo Partitioned Lands grazing

1 permit eligibility criteria which are required of Navajo Partitioned Lands grazing  
2 permit holders pursuant to Resolution Number IGRJN-110-10.

- 3 F. It is in the best interest of the Navajo Nation to authorize Kayenta Chapter and  
4 Chilchimbeto Chapter officials to discuss with land users, permittees, and residents of  
5 Range Units 110, 601, 602, 603, 301, and 310 the formation of range unit boundaries  
6 and criteria for issuance of these grazing permits.

7  
8 **Section Three. Amending CAP-26-16 to exclude particular Navajo Partitioned**  
9 **Lands Range Units**

10 The Navajo Nation Council amends Navajo Nation Council Resolution CAP-26-16  
11 by exempting Range Units 110, 601, 602, 603, 301, and 310.

12  
13 **Section Four. Amending IGRJN-110-10 Exempting named range units from Navajo**  
14 **Partitioned Land grazing permit eligibility requirements**

15 The Navajo Nation Council amends Resolution IGRJN-110-10 by exempting Range  
16 Units 110, 601, 602, 603, 301, and 310.

17  
18 **Section Five. Authorizing discussions between land users, residents, and potential**  
19 **permittees of the named range units with Kayenta and Chilchimbeto Chapter**  
20 **officials and directing a report to the Navajo Nation Council**

21 A. The Navajo Nation Council authorizes discussion between land users, residents  
22 and potential permittees of Range Units 110, 601, 602, 603, 301, and 310 with  
23 Kayenta Chapter and Chilchimbeto Chapter officials regarding range unit  
24 boundaries and the eligibility criteria for the issuance of grazing permits in Range  
25 Units 110, 601, 602, 603, 301, and 310.

26 B. Directing the Kayenta Chapter officials and the Chilchimbeto Chapter officials to  
27 present a report of these discussions to the Navajo Nation Council no later than  
28 120 days after this resolution is certified by the Speaker of the Navajo Nation  
29 Council.



RESOLUTION OF THE  
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL -- Second Year, 2016

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; NAABIK'ÍYÁTI' COMMITTEE  
AND THE NAVAJO NATION COUNCIL; ADOPTING AND CONFIRMING THE RANGE  
UNIT BOUNDARIES AND GRAZING DISTRICTS ESTABLISHED BY THE BUREAU  
OF INDIAN AFFAIRS FOR THE NAVAJO PARTITIONED LANDS

BE IT ENACTED:

Whereas:

1. The Resources and Development Committee is designated by the Navajo Nation Council as the Central Grazing Committee. 3 N.N.C. § 831.
2. Pursuant to 2 N.N.C. § 164(A)(9), a proposed resolution that requires final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee before it is heard by the Navajo Nation Council.
3. Pursuant to Navajo Nation Code Title 3 § 705, "The Commissioner of Indian Affairs has established and will retain the present land management districts within the Navajo Indian Reservation, based on the social and economic requirements of the Navajo Indians and the necessity of rehabilitating the grazing lands. District boundary changes may be made when deemed necessary and advisable by the District Grazing Committees, Central Grazing Committee and the Navajo Nation Council, with approval by the Superintendent, Area Director, and the Commissioner of Indian Affairs."
4. Administrative control of livestock grazing on the Navajo Partitioned Land (NPL) began in 1940 with the issuance of grazing permits on the 1882 Executive Order Reservation. The Navajo-Hopi Settlement Act, P.L. 63-951, as amended, required the development of new grazing regulations for the NPL. 25 CFR 161 allows the Navajo Nation to establish grazing allocations and grant permits within the NPL.

5. Pursuant to 25 CFR Part 161.202, the Bureau of Indian Affairs with concurrence of the Navajo Nation established range units for which range management plans can be developed to improve and maintain soil and forage resources. Physical land features, watersheds, drainage patterns, vegetation, soil, resident concentration, problem areas, chapter boundaries, special land uses and comprehensive land use planning will be considered in the determination of range unit boundaries.
6. "Range unit" is defined as a tract of land designated as a separate management subdivision of the administration of grazing. A range unit may consist of tribal, individually owned or government land or any combination thereof consolidated or managed for grazing.
7. The Bureau of Indian Affairs established the grazing district boundaries for the Navajo Partitioned Lands consisting of 906,383 acres.
8. The Navajo Partitioned Land Joint Precinct District Grazing Committee Members resolution, attached as **Exhibit A**, have recommended that the Bureau of Indian Affairs grazing boundaries currently in place should become the official Navajo Nation grazing boundaries and for areas not covered by the Bureau of Indian Affairs boundaries the proposed range unit of the Navajo Partitioned Lands should become the official boundaries.
9. A map, attached as **Exhibit B**, shows the Navajo Partitioned Lands Range Units.
10. A list of the range units, the chapters they are assigned to, and the acreage of the range units are contained in **Exhibit C**.

**Now, Therefore Be It Resolved:**

In the best interest of the Navajo Nation, the Navajo Nation Council hereby adopts and confirms the range unit boundaries established by the Bureau of Indian Affairs. For areas not included in range unit boundaries, the following range units of the Navajo Partitioned Lands shall be adopted:

Precinct 1, consisting of 19 range units in Tolani Lake, Low Mountain, Teesto, White Cone, and Jeddito, having approximately 177,037 acres.

Precinct 2, consisting of 17 range units in Forest Lake, Black Mesa, Hard Rock, Pinon, Blue Gap and Whippoorwill, having approximately 466,588.2 acres.

Precinct 3, consisting of 15 range units in Tonalea, Shonto, Chilchinbeto, Kayenta and Black Mesa, having approximately 262,758.2 acres.

Allow Navajo Partitioned Land Chapters 120 days to make proposed alignments for range units through: 1) chapter resolutions, and 2) grazing committee resolutions. Division of Natural Resources is directed to stake proposed range unit boundaries in Precinct 2, provide chapters with large maps of individual proposed range units, and provide detailed information on number of cancelled permittee(s) from that range unit, living cancelled permittee(s) and non-living cancelled permittee(s) for possible heirs who live in that range unit to get agreement on alignment changes through resolutions or the proposed alignment will stand for which exterior fencing will begin.

#### CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 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 19 in favor and 0 opposed, this 21<sup>st</sup> day of April 2016.



LoRenzo Bates, Speaker  
Navajo Nation Council

4/28/16

Date

Motion: Honorable Lee Jack, Sr.  
Second: Honorable Seth Damon



NPL#1, #2 &amp; #3 4-16-15 C



RESOLUTION OF THE NAVAJO PARTITIONED LANDS JOINT  
PRECINCTS DISTRICT GRAZING COMMITTEE MEMBERS

THE NAVAJO PARTITIONED LAND JOINT PRECINCTS DISTRICT GRAZING COMMITTEE RECOMMENDS THE BIA GRAZING BOUNDARIES CURRENTLY IN PLACE WILL BECOME THE OFFICIAL NAVAJO NATION GRAZING BOUNDARIES. FOR AREAS NOT COVERED BY BIA BOUNDARIES, PROPOSED RANGE UNITS OF NPL WILL BECOME THE OFFICIAL BOUNDARY. THE RESOURCE AND DEVELOPMENT COMMITTEE MAY CHANGE GRAZING DISTRICT BOUNDARIES WHEN THE COMMITTEE DEEMS SUCH CHANGES TO BE IN THE BEST INTEREST OF THE NAVAJO PEOPLE. APPROVES RANGE LAND ON THE NAVAJO NATION IN TRUST STATUS INTO RANGE UNITS AND APPROVE AND IMPLEMENT RANGE MANGEMEN PLANS TO THE BUREAU OF INDIAN AFFAIRS BRANCH OF NATURAL RESOURCES

**WHEREAS:**

1. The District Grazing Committees of the Navajo Nation are established as the administrative bodies within the Navajo Nation with the primary responsibilities of managing and enforcing matters related to rangeland and livestock by Navajo Tribal Resolution CJ-6-53 and Navajo Tribal Advisory Committee Resolution ACA-31-55 and CAN-83-57
2. Resolution of the Navajo Nation Council, relating to resources, enacting the Navajo Partitioned Lands District Grazing Precincts Act CO-3109 amending Title 3 of the Navajo Nation code §875 (23) Navajo Partitioned Land District Grazing Precincts shall determine eligibility for issuance of grazing permits on the Navajo Partitioned Lands, establish, range unit boundaries; mediate grazing disputes; inform and educate potential permittees on grazing permits cancelled by the U.S. District Court of Arizona in October 1972; develop guidelines for individual and community range management plans; coordinate with departments of the Navajo Nation, the Hopi Tribe and Bureau of Indian Affairs for effective grazing, management and enforcement; and other related matters; and
3. Pursuant to Navajo Nation Code Title 3 § 705 Land Management Districts the Bureau of Indian Affairs establishes or proposes to retain the present land management districts and agency boundaries. District/Agency boundary change is deemed necessary and advised by the Precincts District Grazing Committee; and
4. Department of Interior / Bureau of Indian Affairs 25 CFR part 161 provides regulations to govern the grazing of livestock on Navajo Partitioned Lands. The purpose of this regulation is to conserve the rangeland within the NPL in order to maximize future use of the land; and
5. Pursuant to 25 CFR 161.202 the Bureau of Indian Affairs with the concurrence of the Navajo Nation will establish range units on the Navajo Partitioned Lands to provide unified areas for which range management plans can be developed to improve and maintain soil and forage resources. Physical and natural land features, watersheds, drainage patterns, vegetation, soil, resident concentration, problem areas, historical land use patterns, chapter boundaries, special land uses and comprehensive land use planning; is considered in determination of range unit boundaries; and



6. The Bureau of Indian Affairs can modify range unit boundaries with the concurrence of the Navajo Nation. This may include small and /or isolated portions of the Navajo Partitioned Lands contiguous to Navajo Nation Lands in order to develop more beneficial and efficient land management, practices and application; and
7. The Code of Federal Regulation and Navajo Nation Code 3 N.N.C § 713 states that favorable recommendation from the District Grazing Committee and a written authorization from the Bureau of Indian Affairs must be secured before fencing.; and
8. Pursuant to Navajo Nation Code § 213 range land in Navajo Nation trust or lands leased or purchased by the Navajo Nation may be fenced. The Navajo Nation Code further states that all applications for fencing are submitted to the District Grazing Committee and forwarded with recommendations to the Bureau of Indian Affairs for approval.

**NOW THEREFORE BE IT RESOLVED:**

The Navajo Partitioned Lands Precincts District Grazing Committee, with the support of the Navajo Nation Department of Agriculture recommends, The BIA grazing boundaries currently in place will become the official Navajo Nation grazing boundaries. For areas not covered by BIA grazing boundaries, proposed range units of NPL will become the official boundary. The Resources and Development Committee may change grazing district boundaries when the Committee deems such changes to be in the best interests of the Navajo People.

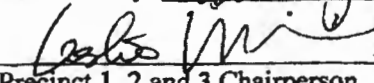
1. Approves range land on the Navajo Nation in trust status into range units and approve and implement range management plans to the Bureau of Indian Affairs Branch of Natural Resources.
2. The Navajo Nation in consultation with the BIA will plan range management / conservation plans that include grazing control, restoration, improving vegetative productivity, diversity, stocking rates, grazing schedule, wildlife management, livestock improvement, existing range improvements, implementation of range studies, control of livestock diseases, parasites, fencing, water development, and other structure necessary to implement any provisions in the range management plan.
3. The Bureau of Indian Affairs Branch of Natural Resources Fort Defiance Agency, Chinle Agency and Western Navajo Agency are involved in the areas outside of the 1882 Executive Order.

**CERTIFICATION:**

The foregoing resolution of the Navajo Partitioned Lands Joint Precincts District Grazing Committee was *considered* and *approved* at a duly called meeting, with a quorum present and a vote of 15 in favor, 0 opposed, and 1 abstaining, on the 16 day of April, 2015 at the Whippowill Chapter.

Motioned by: 

Seconded by: 

  
Precinct 1, 2 and 3 Chairperson

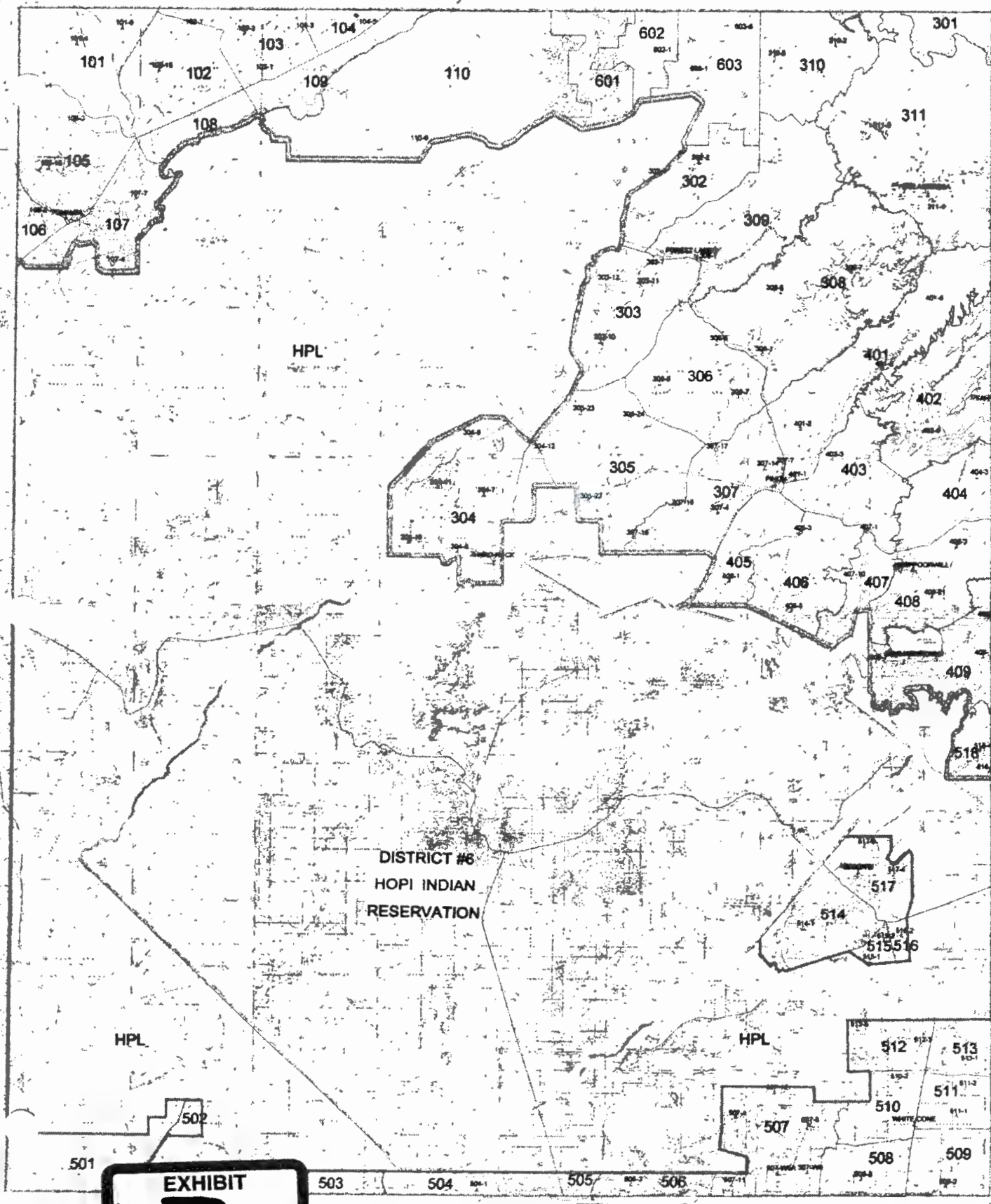


EXHIBIT  
**B**



GRAZING_D	RANGE_UNIT	ACRES	PERIM_MILE
Tolani Lake	501	18477.139	28.812
Tolani Lake	502	1672.364	7.152
Tolani Lake	503	5609.675	15.884
Teesto	504	8518.057	22.883
Teesto	505	1623.191	6.909
Teesto	506	5302.163	17.317
Whitecone	507	23702.119	32.158
Whitecone	508	9570.095	22.516
Whitecone	509	11259.036	17.456
Whitecone	510	10062.747	21.338
Whitecone	511	8361.274	14.692
Whitecone	512	9017.432	15.474
Whitecone	513	7385.311	13.671
Jeddito	514	15520.053	20.700
Jeddito	515	2026.900	8.216
Jeddito	516	1458.922	6.806
Jeddito	517	10225.521	21.020
Low Mountain	409	21477.364	42.304
Whitecone	518	5767.641	14.267

**Total Acreage: 177,037.0**

GRAZING_D	RANGE_UNIT	ACRES	PERIM_MILE
Black Mesa	302	17365.086	26.140
Black Mesa	303	24837.393	26.914
Hard Rock	304	38606.431	34.857
Hard Rock	305	35458.700	33.739
Pinon	306	25802.249	25.537
Forest Lake	308	53227.424	51.778
Forest Lake	309	34380.241	51.177
Black Mesa	311	56336.817	59.259
Blue Gap	401	33572.851	66.870
Blue Gap	402	30913.984	56.700
Pinon	403	19021.757	35.260
Blue Gap	404	14326.059	26.572
Pinon	405	12710.182	24.602
Whipoorwill	406	19293.441	32.573
Whipoorwill	407	8789.874	28.046
Blue Gap	408	19203.398	28.947
Pinon	307	22742.340	30.642

**Total Acreage: 466,588.2**

GRAZING_D	RANGE_UNIT	ACRES	PERIM_MILE
Tonalea	101	23271.237	29.354
Tonalea	102	19594.662	23.366

Shonto	103	13718.392	23.621
Shonto	104	4511.545	12.382
Tonalea	105	22279.291	24.714
Tonalea	106	4220.100	15.199
Tonalea	107	17429.430	32.702
Tonalea	108	7265.888	17.929
Shonto	109	11030.484	28.196
Black Mesa	110	66202.279	53.867
Chilchinbeto	301	7057.641	20.651
Kayenta	310	22865.951	31.313
Black Mesa	601	12541.880	31.362
Black Mesa	602	9266.402	21.487
Black Mesa	603	21503.012	31.926

**Total Acreage: 262,758.2**

**Total Acreage: 906,383.4**



RESOLUTION OF THE  
INTERGOVERNMENTAL RELATIONS COMMITTEE  
OF THE NAVAJO NATION COUNCIL



21<sup>ST</sup> NAVAJO NATION COUNCIL - FOURTH YEAR, 2010

AN ACTION

RELATING TO RESOURCES AND INTERGOVERNMENTAL RELATIONS;  
APPROVING THE NAVAJO NATION ELIGIBILITY REQUIREMENTS TO  
QUALIFY FOR ISSUANCE OF A GRAZING PERMIT ON THE NAVAJO  
PARTITIONED LANDS

BE IT ENACTED:

1. The Navajo Nation hereby approves the Navajo Nation eligibility requirements to qualify for the issuance of a grazing permit on the Navajo Partitioned Lands attached hereto as Exhibit A.
2. The Navajo Nation hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to effectuate the intent of this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Intergovernmental Relations Committee of the Navajo Nation Council at a duly called meeting held at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 7 in favor, 0 opposed, this 30<sup>th</sup> day of June, 2010.



Lawrence T. Morgan, Chairperson  
Intergovernmental Relations Committee

Motion: Raymond Joe  
Second: Thomas Walker, Jr.

ORIGINAL

**Navajo Nation  
Proposed Eligibility Requirements to Qualify  
for Reissuance of a Grazing Permit on the Navajo Partitioned Lands**

**I. Background**

Administrative control of livestock grazing on the Navajo Partitioned Lands (NPL) began in 1940 with the issuance of the first formal grazing permits on the 1882 Executive Order Reservation (originally designated for use by the Hopi Tribe, but later placed under joint control of both Navajo and Hopi Tribes). In response to concerns raised by the Hopi Tribe, these and subsequent grazing permits issued under 25 CFR 71, Grazing, Navajo and Hopi Reservations, and 25 CFR 72 (later 152), Navajo Grazing Regulations, were canceled by court order on October 14, 1973. This cancellation was ordered so that permits covering not more than one half of the carrying capacity of the Joint Use area (JUA) could then be re-issued to the Navajo tribe or members thereof. The JUA was partitioned the following year. Revised stocking rates were determined by 1977, but except for a small number of interim grazing permits (issued for only one year), the Navajo grazing permits canceled in 1973 have never been re-issued.

A 1983 court ruling in *Hopi vs. Watt* declared that the pre-1982 grazing regulations were invalid because they did not have the concurrence of the Navajo or Hopi governments. As a result, the BIA became subject to the provisions of PL 63-951, the Navajo-Hopi Settlement Act, as amended, which required the development of new grazing regulations for the NPL with the concurrence of the Navajo Nation. New regulations governing the grazing of livestock on the NPL were published in October of 2005 as 25 CFR 161, Navajo Partitioned Lands Grazing Permits, and became effective in January of 2006. The Navajo Nation gave concurrence to the regulations as published, however, §161.400(a) of this regulation allows the Nation to "prescribe eligibility requirements for grazing allocations". Further, it is the right of the Navajo Nation "to authorize the granting of permits...and to prescribe...the conditions under which their lands may be used" (3NNC§701). Accordingly the Navajo Nation Department of Agriculture ~~proposes~~ prescribes the eligibility criteria stated herein.

**II. Purpose and Need**

The purpose of this document is to present a ~~proposal~~ from the Navajo Nation Department of Agriculture (NNDA) for revised eligibility criteria as provided for in 25 CFR §161.400(a). The Navajo Nation Department of Agriculture (NNDA) was designated by the Resources Committee as the lead tribal agency for preparing/submitting revisions on Navajo Partitioned Lands (NPL) grazing regulations. The eligibility criteria ~~proposed~~ in this document are similar to those published in 25 CFR §161.400(a). However, the published criteria are not fully consistent with Navajo Nation Grazing Regulations, especially on the matter of probate rights, which allow for the transfer of grazing permits belonging to deceased permittees to legally recognized heirs. Additionally, the published criteria do not adequately redistribute benefits of grazing privileges

to the residents of Navajo Partitioned Lands (NPL). The ~~proposed~~ criteria revisions are necessary because they, 1.) are more fair and equitable to Navajo Partitioned Lands (NPL) residents and former permittees than published criteria; 2) provide grazing privileges to a larger number of residents than published criteria; and 3) address the issue of permit probate and reduce the potential for lawsuits and court proceedings initiated by heirs of former permittees. Apart from providing more appropriate eligibility criteria than those currently published, the submission of revised criteria represents an exercise of the sovereignty of the Navajo Nation and its right to self-determination.

The ~~proposed~~ criteria have been based on criteria previously submitted to the Resources Committee by the Navajo Partitioned Lands (NPL) District Grazing Committee. Additional input has been solicited from Navajo Nation administrative and legal departments and from the BIA. The environmental, social/cultural, and administrative impacts of the ~~proposed~~ criteria have been assessed, and several mitigations have been outlined to lessen the identified impacts (See Section V. Mitigation of Adverse Impacts).

### **III. Navajo Nation Proposed Eligibility Requirements to Qualify For re-issuance of a Grazing Permit on the Navajo Partitioned Lands**

The Navajo Nation ~~proposes~~ to prescribe eligibility requirements for reissuance of grazing permits on the Navajo Partitioned Lands. Only those individuals who meet all of the following requirements will be eligible to receive a permit. To receive a permit to graze livestock on the Navajo Partitioned Lands persons must:

1. Appear as a permittee on the list of permits cancelled on October 14, 1973, or be the legally recognized heir or assignee to the permit of a deceased individual appearing on said list;
2. Be listed on the 1974 or 1975 BIA enumeration within NPL or be legally recognized heir or assignee to the permit of a deceased individual appearing on said list;
3. Be a recognized full-time resident of the NPL and reside within the Customary Use Area where the cancelled permit was used;
4. Be an enrolled member of the Navajo Nation 18 years of age or older; and
5. Not have received any of the following accommodations:
  - a) Signed an accommodation agreement to remain on Hopi Partitioned Lands; or have a valid grazing permit for Hopi Partitioned Lands.
  - b) Received a permit to graze livestock on New Lands.
  - c) Reissued a grazing permit outside the Navajo Partitioned Land on Navajo Reservation.

#### **IV. Favorable Impacts**

Relevant to the proposed eligibility criteria, impacts to both rangeland resources and wildlife and botanical resources are expected to be positive, i.e., result in improvements from the current situation. Because the current grazing situation in the Navajo Nation Partitioned (NPL) is characterized by overuse as a result of excessive stocking, improper herd movement, and a general lack of range stewardship, the proposed criteria would cause individuals who repeatedly violate Navajo Nation Grazing Regulations to be ineligible to receive a re-issued grazing permit. Impacts to wildlife and botanical resources are not directly relevant to the proposed criteria, however, the implementation of 25 CFR 161 requires improved range management practices which would result in increased density and occurrence of forage and browse species, increased and improved wildlife habitat, improved waterway conditions, decreased erosion, and other ecological benefits.

#### **V. Mitigation of Adverse Impacts**

The adverse impacts anticipated from the proposed criteria are relevant to the socio-economic, environment and administrative operations. All of the impacts identified can be mitigated with procedures already in place, or with valid propositions for new procedures. It is worth noting that many of the impacts identified will also result from the criteria already published in 25 CFR § 161.400(a).

1. Impact: Livestock producers ineligible to receive a grazing permit will experience a loss of grazing privileges on Navajo Partitioned Lands (NPL) rangelands.
  - Mitigation: Navajo Nation Department of Agriculture (NNDA) will conduct outreach and education on alternative options, highlighting the benefits and procedures of forming livestock cooperative associations, maintaining health of animals kept in corrals, and leasing range tracts such as those held by the Tribal Ranches Program.
  - Mitigation: Navajo Nation Department of Agriculture (NNDA) will give livestock producers who do not receive grazing permits priority access to alternative range areas, such as Tribal Ranch tracts (especially the Winslow Tract), bull pasture, and reclaimed post-mined range units (such as Peabody, P&M, and other sites).
  - Mitigation: Navajo Nation Department of Agriculture (NNDA) will actively advocate for land acquisition through Navajo Hopi Land Commission(NHLC)/Navajo Land Department (NLD) for the primary purpose of grazing use.
  - Mitigation: Navajo Nation Department of Agriculture (NNDA) will encourage Chapters to include in their Land Use Plans the withdrawal of Chapter land for community use areas for grazing and related activities (This should be factored into the re-permitting aspect as it would affect the available land base used to determine stocking rates).



2. Impact: Navajo Partitioned Lands (NPL) District Grazing Committee Members will incur increased workload and perhaps additional work-related stress as a result of livestock control/reduction activities, providing records of livestock activities and any related violations, and increased disputes between land users.

- Mitigation: Navajo Nation Department of Agriculture (NNDA) has developed guidelines to aid District Grazing Committee Members (DGCMs) in the implementation of Navajo Partitioned Land (NPL) grazing policies.
- Mitigation: Navajo Nation Department of Agriculture (NNDA) has initiated the development of Navajo Partitioned Land (NPL) Precincts to provide a venue for conducting business directly related to Navajo Partitioned Land (NPL) issues, separate from main body reservation Agency or District business. District Grazing Committee Members (DGCMs) will receive pay to attend Precinct meetings in lieu of Agency meetings.
- Mitigation: Navajo Nation Department of Agriculture (NNDA) will provide District Grazing Committee Members (DGCMs) with guidelines for dispute procedures.
- Mitigation: Collection of fees will not become effective until the livestock and related economical and environment conditions have improved to a sustainable level.

3. Impact: Increased need for enforcement of livestock control/reduction and related activities and violations.

- Mitigation: Amendments to 3NNC, Livestock Inspection and Control, will become effective November 2006. These regulations provide improved enforcement mechanisms and procedures involving Department of Resource Enforcement (DRE), Navajo Nation Police Department, Navajo Tribal Courts, Navajo Nation Veterinary Program, Deputy Livestock Inspectors and members of the District Grazing Committee (DGC)/ Eastern Navajo Land Board (ENLB).
- Mitigation: The Navajo Nation Department of Agriculture (NNDA) has requested that the Navajo Resources Committee direct Department of Resource Enforcement (DRE) to commit staff and resources to ensure adequate enforcement.

4. Impact: Increased or renewed land use and boundary disputes among livestock producers, community members, and other land users. Customary Use Areas, Claim Use Areas, Homesite Lease Areas, and related disputes will likely be challenged by permittees or asserted by other land users against permittees.

- Mitigation: To accommodate these disputes, Navajo Nation Department of Agriculture (NNDA) has prepared guidelines outlining dispute procedures, including those handled through the Office of Hearing and Appeals. The guidelines will be available to anyone requesting assistance with dispute proceedings.

5. Impact: Increased demand for probates by heirs of deceased permittees.

- Mitigation: To expedite the probate process, Navajo Nation Department of Agriculture (NNDA) will inform Navajo Tribal Courts of the impending case load, and will provide, through the District Grazing Committee (DGC), public awareness of the procedures and requirements for completing the probate process.

6. Impact: Treatment of Relocates not on Navajo Partitioned Lands (NPL)
- Mitigation: Information from Office of Navajo Hopi Indian Relocation (ONHIR) regarding accommodations already received by relocatees.
7. Impact: Treatment of Relocates on Navajo Partitioned Lands (NPL) (those who lost grazing land/relocated but still have Navajo Partitioned Lands (NPL) cancelled permit)
- Mitigation: Navajo Nation Department of Agriculture (NDA) will encourage Relocates' participation in cooperative livestock associations and related activities.
  - Mitigation: Navajo Nation Department of Agriculture (NDA) will provide Relocates who have lost grazing privileges education about and access to alternative range areas, such as Tribal Ranch tracts (especially the Winslow Tract), bull pasture, and reclaimed range units (such as from Peabody, P&M, and other sites).



**ELIGIBILITY CRITERIA  
NAVAJO PARTITIONED LANDS**

**Proposed  
By:**

**The Navajo Nation  
Department of Agriculture  
Grazing Management Program  
District Grazing Committee**

**Submitted  
To:**

**Navajo Nation Council Resources Committee**

**November 16, 2006**

**Navajo Nation  
Proposed Eligibility Requirements to Qualify  
for Reissuance of a Grazing Permit on the Navajo Partitioned Lands**

**I. Background**

Administrative control of livestock grazing on the Navajo Partitioned Lands (NPL) began in 1940 with the issuance of the first formal grazing permits on the 1882 Executive Order Reservation (originally designated for use by the Hopi Tribe, but later placed under joint control of both Navajo and Hopi Tribes). In response to concerns raised by the Hopi Tribe, these and subsequent grazing permits issued under 25 CFR 71, Grazing, Navajo and Hopi Reservations, and 25 CFR 72 (later 152), Navajo Grazing Regulations, were canceled by court order on October 14, 1973. This cancellation was ordered so that permits covering not more than one half of the carrying capacity of the Joint Use area (JUA) could then be re-issued to the Navajo tribe or members thereof. The JUA was partitioned the following year. Revised stocking rates were determined by 1977, but except for a small number of interim grazing permits (issued for only one year), the Navajo grazing permits canceled in 1973 have never been re-issued.

A 1983 court ruling in *Hopi vs. Watt* declared that the pre-1982 grazing regulations were invalid because they did not have the concurrence of the Navajo or Hopi governments. As a result, the BIA became subject to the provisions of PL 63-951, the Navajo-Hopi Settlement Act, as amended, which required the development of new grazing regulations for the NPL with the concurrence of the Navajo Nation. New regulations governing the grazing of livestock on the NPL were published in October of 2005 as 25 CFR 161, Navajo Partitioned Lands Grazing Permits, and became effective in January of 2006. The Navajo Nation gave concurrence to the regulations as published, however, §161.400(a) of this regulation allows the Nation to "prescribe eligibility requirements for grazing allocations...". Further, it is the right of the Navajo Nation "to authorize the granting of permits...and to prescribe...the conditions under which their lands may be used" (3NNC§701). Accordingly the Navajo Nation Department of Agriculture proposes the eligibility criteria stated herein.

**II. Purpose and Need**

The purpose of this document is to present a proposal from the Navajo Nation Department of Agriculture (NNDA) for revised eligibility criteria as provided for in 25 CFR §161.400(a). The Navajo Nation Department of Agriculture (NNDA) was designated by the Resources Committee as the lead tribal agency for preparing/submitting revisions on Navajo Partitioned Lands (NPL) grazing regulations. The eligibility criteria proposed in this document are similar to those published in 25 CFR §161.400(a). However, the published criteria are not fully consistent with Navajo Nation Grazing Regulations, especially on the matter of probate rights, which allow for the transfer of grazing permits belonging to deceased permittees to legally recognized heirs. Additionally, the published criteria do not adequately redistribute benefits of grazing privileges to the residents of Navajo Partitioned Lands (NPL). The proposed criteria revisions are necessary because they 1) are more fair and equitable to Navajo Partitioned Lands (NPL)



residents and former permittees than published criteria; 2) provide grazing privileges to a larger number of residents than published criteria; and 3) address the issue of permit probate and reduce the potential for lawsuits and court proceedings initiated by heirs of former permittees. Apart from providing more appropriate eligibility criteria than those currently published, the submission of revised criteria represents an exercise of the sovereignty of the Navajo Nation and its right to self-determination.

The proposed criteria have been based on criteria previously submitted to the Resources Committee by the Navajo Partitioned Lands (NPL) District Grazing Committee. Additional input has been solicited from Navajo Nation administrative and legal departments and from the BIA. The environmental, social/cultural, and administrative impacts of the proposed criteria have been assessed, and several mitigations have been outlined to lessen the identified impacts (See Section V. Mitigation of Adverse Impacts).

### **III. Navajo Nation Proposed Eligibility Requirements to Qualify For re-issuance of a Grazing Permit on the Navajo Partitioned Lands**

The Navajo Nation proposes to prescribe eligibility requirements for reissuance of grazing permits on the Navajo Partitioned Lands. Only those individuals who meet all of the following requirements will be eligible to receive a permit. To receive a permit to graze livestock on the Navajo Partitioned Lands persons must:

1. Appear as a permittee on the list of permits cancelled on October 14, 1973, or be the legally recognized heir or assignee to the permit of a deceased individual appearing on said list;
2. Be listed on the 1974 or 1975 BIA enumeration within NPL or be legally recognized heir or assignee to the permit of a deceased individual appearing on said list;
3. Be a recognized full-time resident of the NPL and reside within the Customary Use Area where the cancelled permit was used;
4. Be an enrolled member of the Navajo Nation 18 years of age or older; and
5. Not have received any of the following accommodations:
  - a) Signed an accommodation agreement to remain on Hopi Partitioned Lands; or have a valid grazing permit for Hopi Partitioned Lands.
  - b) Received a permit to graze livestock on New Lands.
  - c) Reissued a grazing permit outside the Navajo Partitioned Land on Navajo Reservation.

### **IV. Favorable Impacts**

Relevant to the proposed eligibility criteria, impacts to both rangeland resources and wildlife and botanical resources are expected to be positive, i.e., result in improvements from the current

situation. Because the current grazing situation in the Navajo Nation Partitioned (NPL) is characterized by overuse as a result of excessive stocking, improper herd movement, and a general lack of range stewardship, the proposed criteria would cause individuals who repeatedly violate Navajo Nation Grazing Regulations to be ineligible to receive a re-issued grazing permit. Impacts to wildlife and botanical resources are not directly relevant to the proposed criteria, however, the implementation of 25 CFR 161 requires improved range management practices which would result in increased density and occurrence of forage and browse species, increased and improved wildlife habitat, improved waterway conditions, decreased erosion, and other ecological benefits.

## **V. Mitigation of Adverse Impacts**

The adverse impacts anticipated from the proposed criteria are relevant to the socio-economic, environment and administrative operations. All of the impacts identified can be mitigated with procedures already in place, or with valid propositions for new procedures. It is worth noting that many of the impacts identified will also result from the criteria already published in 25 CFR §161.400(a).

1. Impact: Livestock producers ineligible to receive a grazing permit will experience a loss of grazing privileges on Navajo Partitioned Lands (NPL) rangelands.
  - Mitigation: Navajo Nation Department of Agriculture (NNDA) will conduct outreach and education on alternative options, highlighting the benefits and procedures of forming livestock cooperative associations, maintaining health of animals kept in corrals, and leasing range tracts such as those held by the Tribal Ranches Program.
  - Mitigation: Navajo Nation Department of Agriculture (NNDA) will give livestock producers who do not receive grazing permits priority access to alternative range areas, such as Tribal Ranch tracts (especially the Winslow Tract), bull pasture, and reclaimed post-mined range units (such as Peabody, P&M, and other sites).
  - Mitigation: Navajo Nation Department of Agriculture (NNDA) will actively advocate for land acquisition through Navajo Hopi Land Commission(NHLC)/Navajo Land Department (NLD) for the primary purpose of grazing use.
  - Mitigation: Navajo Nation Department of Agriculture (NNDA) will encourage Chapters to include in their Land Use Plans the withdrawal of Chapter land for community use areas for grazing and related activities (This should be factored into the re-permitting aspect as it would affect the available land base used to determine stocking rates).
2. Impact: Navajo Partitioned Lands (NPL) District Grazing Committee Members will incur increased workload and perhaps additional work-related stress as a result of livestock control/reduction activities, providing records of livestock activities and any related violations, and increased disputes between land users.
  - Mitigation: Navajo Nation Department of Agriculture (NNDA) has developed guidelines to aid District Grazing Committee Members (DGCMs) in the implementation of Navajo Partitioned Land (NPL) grazing policies.
  - Mitigation: Navajo Nation Department of Agriculture (NNDA) has initiated the development of Navajo Partitioned Land (NPL) Precincts to provide a venue for

conducting business directly related to Navajo Partitioned Land (NPL) issues, separate from main body reservation Agency or District business. District Grazing Committee Members (DGCMs) will receive pay to attend Precinct meetings in lieu of Agency meetings.

- Mitigation: Navajo Nation Department of Agriculture (NNDA) will provide District Grazing Committee Members (DGCMs) with guidelines for dispute procedures.
- Mitigation: Collection of fees will not become effective until the livestock and related economical and environment conditions have improved to a sustainable level.

**3. Impact: Increased need for enforcement of livestock control/reduction and related activities and violations.**

- Mitigation: Amendments to 3NNC, Livestock Inspection and Control, will become effective November 2006. These regulations provide improved enforcement mechanisms and procedures involving Department of Resource Enforcement (DRE), Navajo Nation Police Department, Navajo Tribal Courts, Navajo Nation Veterinary Program, Deputy Livestock Inspectors and members of the District Grazing Committee (DGC)/ Eastern Navajo Land Board (ENLB).
- Mitigation: The Navajo Nation Department of Agriculture (NNDA) has requested that the Navajo Resources Committee direct Department of Resource Enforcement (DRE) to commit staff and resources to ensure adequate enforcement.

**4. Impact: Increased or renewed land use and boundary disputes among livestock producers, community members, and other land users. Customary Use Areas, Claim Use Areas, Homesite Lease Areas, and related disputes will likely be challenged by permittees or asserted by other land users against permittees.**

- Mitigation: To accommodate these disputes, Navajo Nation Department of Agriculture (NNDA) has prepared guidelines outlining dispute procedures, including those handled through the Office of Hearing and Appeals. The guidelines will be available to anyone requesting assistance with dispute proceedings.

**5. Impact: Increased demand for probates by heirs of deceased permittees.**

- Mitigation: To expedite the probate process, Navajo Nation Department of Agriculture (NNDA) will inform Navajo Tribal Courts of the impending case load, and will provide, through the District Grazing Committee (DGC), public awareness of the procedures and requirements for completing the probate process.

**6. Impact: Treatment of Relocatees not on Navajo Partitioned Lands (NPL)**

- Mitigation: Information from Office of Navajo Hopi Indian Relocation (ONHIR) regarding accommodations already received by relocatees.

**7. Impact: Treatment of Relocatees on Navajo Partitioned Lands (NPL) (those who lost grazing land/relocated but still have Navajo Partitioned Lands (NPL) cancelled permit)**

- Mitigation: Navajo Nation Department of Agriculture (NNDA) will encourage Relocatees' participation in cooperative livestock associations and related activities.
- Mitigation: Navajo Nation Department of Agriculture (NNDA) will provide Relocatees who have lost grazing privileges education about and access to alternative range areas,

such as Tribal Ranch tracts (especially the Winslow Tract), bull pasture, and reclaimed range units (such as from Peabody, P&M, and other sites).





**RESOLUTION OF THE NAVAJO PARTITIONED LANDS  
DISTRICT GRAZING COMMITTEE MEMBERS**



**Recommending To The Navajo Nation Council Resources Committee & The  
Bureau Of Indian Affairs To Adopt The Eligibility Criteria Proposed By The  
District Grazing Committee of Navajo Partitioned Lands**

**WHEREAS:**

1. The District Grazing Committee of the Navajo Nation were established by Navajo Tribal Resolution CJ-6-53 and Navajo Tribal Advisory Committee Resolution ACA-31-55 and CAN-83-57; and
2. The District Grazing Committees are the administrative bodies within the Navajo Nation Government with primary responsibilities of managing range land, livestock management, enforcing Navajo Grazing Regulations, and other related land use issues on the Navajo Nation; and
3. Pursuant to 3 NNC §852 (C), the Resources Committee will serve as principal coordinators between the District Grazing Committee and the Bureau of Indian Affairs; and
4. The Navajo Partitioned Lands Grazing Regulations (25 CFR 161.400 (a)) gave the Navajo Nation the opportunity to create its own eligibility criteria for re-issuing NPL Grazing Permits; and
5. The NPL District Grazing Committee, Department of Agriculture, and the Bureau of Indian Affairs (NPL Office) have worked together to deliberate and research the background, purpose, need, alternatives, and impacts to establish an eligibility criteria attached herein as Exhibit A.

**NOW THEREFORE BE IT RESOVED:**

The Navajo Partitioned Lands' District Grazing Committee, with the support of the Department of Agriculture and the Bureau of Indian Affairs (NPL Office), hereby recommends to the Navajo Nation Council Resources Committee the approval of the eligibility criteria and requirements for the re-issuance of grazing permits as prescribed under 25 CFR 161.400 (a), attached herein as Exhibit A.

**CERTIFICATION**

The foregoing resolution was considered and approved by the NPL District Grazing Committee at a duly called meeting with a quorum present, with a vote of \_\_ in favor, \_\_ opposed, \_\_ abstained on the 14<sup>th</sup> day of November, 2006 at the Abandoned Mines Reclamation Department Conference Room in Window Rock, Navajo Nation Arizona.

Motioned by: *Thomas Bradky*  
Seconded by: *Vicky Boyay*

  
Willard Benward, Vice - Chairman

**RESOLUTION OF THE BLACK MESA REVIEW BOARD**

Proposing Changes to the Alignment of Range Units Within Navajo Partitioned Lands as Approved by Resolution CAP-26-16; Strongly Recommending that Range Units 110, 601, 602, 603 and 310 be Exempted from the New Laws and Regulations for Use of Navajo Partitioned Lands; Strongly Recommending that Residents and Permittees of the Kayenta and Chilchinbeto Chapters to be Allowed to Locally Discuss and Agree to the Use of lands within these Range Units

**WHEREAS:**

1. Pursuant to 2 N.N.C. §§ 901-909 the Black Mesa Review Board (BMRB) is authorized to advocate and make recommendations for families adversely affected or impacted by coal mining and related operations, including, but not limited to reclamation plans, relocations, loss or harm to traditional or customary grazing areas and increased cost, hardship or inconvenience in the use and enjoyment of real property, grazing permits or customary use areas; and
2. The residents living within or near the Peabody Coal Lease area have instructed and authorized BMRB, at a public meeting on July 3, 2016, to present their proposals for alignment changes to the Range Unit boundaries within the Navajo Partitioned Lands (NPL) as approved by Resolution CAP-26-16. These proposals are in response to the instruction of the Navajo Nation Council to NPL Chapters that such proposals be submitted within 120 days of CAP-26-16; and
3. A large number of the residents living within or near the Peabody Coal Lease are members of the Kayenta Chapter. The lands of Kayenta Chapter extend into the NPL upon Black Mesa. The Kayenta Chapter administers the regulation of grazing within Grazing Management District #8 which includes lands within the NPL. Furthermore, Kayenta Chapter lands and District #8 also includes a large portion of the Peabody Coal Lease area; and
4. BMRB is informed that there are at least 25 grazing permits held by residents who live along the northern NPL boundary and these permits authorize grazing use of lands within Grazing Management District #8. BMRB is also informed that there are at least 23 grazing permits within District #8 which were cancelled because the residents lived within NPL; and
5. In consultation with these residents, the BMRB, through its Resolution BMRB 05-03-16-A, entitled "*Opposing Proposal Resolution No. 0034-16 and Opposing Resolution No. 0093-16 in Their Present Form*", previously opposed the efforts of the Navajo Nation and Bureau of Indian Affairs to impose these range units and eligibility criteria for new NPL grazing permits. Resolution BMRB 05-03-16-A is attached as Exhibit A and is hereby incorporated herein. The BMRB reaffirms all its reasons stated in BMRB 05-03-16-A for its opposition; and
6. On April 20, 2016, one day before the NNC approved Resolution CAP-26-16, the Kayenta Chapter by its Resolution No. KY16-266-04 also strongly opposed the efforts of the two governments to inflict these range units and eligibility criteria upon these residents who have

suffered so much hardship from all the "boundaries" that have been unilaterally imposed upon them in the past-all contrary to, and in violation of, the traditional laws of the Navajo people. Resolution No. KY16-266-04 is attached hereto as Exhibit B and is hereby incorporated herein. BMRB agrees with all the reasons and conclusions of the Kayenta Chapter and fully supports the Kayenta Chapter's recommendation that statutory language be added to ensure that the customary use rights of the residents are not to be extinguished by the government efforts; and

7. Thus far, and despite the opposition, protestations and recommendations of the residents, the Kayenta Chapter and BMRB have been ignored by the two governments in their rush to impose new regulations which obviously will inflict great harm upon the residents and will violate the traditional fundamental laws otherwise known as customary use rights of the Navajo people. Yet, BMRB will not lose hope that the two governments will heed the people and not violate the traditional laws which the residents, and all Navajo people, cherish and pray that the leaders of the people will understand these laws and observe them.

**NOW, THEREFORE, BE IT RESOLVED:**

The Black Mesa Review Board, on behalf of the residents who live within or near the Peabody Coal Lease area, and in response to Resolution CAP-26-16, proposes, and urges the Navajo Nation government, the Navajo Nation Council and the Bureau of Indian Affairs to:

1. Exempt Range Units 110, 601, 602, 603 and 310 from the current effort/program to establish new laws and regulations for use of Navajo Partitioned Lands; and
2. Allow the Kayenta Chapter and the Chilchinbeto Chapter to continue discussions with the residents who live and use lands along the northern boundary of Navajo Partitioned Lands (and within Range Units 110, 601, 602, 603 and 310) as to how customary use rights and rights under exiting grazing permits will continue to be observed and used, and how and who will be issued new grazing permits for those whose grazing permits were cancelled because they lived within what is now known as Navajo Partitioned Lands.

**CERTIFICATION**

We hereby certify that the foregoing resolution was discussed at a duly called meeting of the Black Mesa Review Board at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed and 0 abstained, this 10<sup>th</sup> day of August, 2016.

Motion: Andrew Benallie

Second: Anna Sullivan

Approval: 

Paul Madson, Chairman

Black Mesa Review Board

BMRB 05 03 16 A

## RESOLUTION OF THE BLACK MESA REVIEW BOARD

Opposing Proposal Regulation No: 0034-16 and Opposing Resolution No: 0093-16 in Their Present Form.

### WHEREAS:

1. Pursuant to 2 N.N.C. and § 901 - 910, Title II, Chapter 3, Section 902, the Black Mesa Review Board is certified to exercise governance and decision making authority; and
2. There are currently two resolutions Resolution No. 0034-16 and Resolution No. 0093-16 before the Navajo Nation for consideration to which the BMRB must react because these resolutions if not modified will have drastic impact upon residents of Black Mesa who live along the northern boundary of Navajo Partition Land (NPL) and also live within or adjacent to the lease area for the Peabody Energy coal mine; and
3. The Navajo Nation and Federal Bureau of Indian Affairs have been lobbying the government to approve their proposal that there be established new grazing units within NPL for which BIA grazing permits will be issued to residents of NPL whose previous grazing permits were cancelled by the BIA because of the Hopi- Navajo Land Dispute; and
4. Unfortunately for Black Mesa residents on or near the Peabody Coal Lease Area, this government effort comes with prohibitions and restrictions which will extinguish the customary use rights of a large number of the residents. The proposed laws and regulations will impose the prohibition that if a resident lives on the north side of the NPL boundary, they will no longer be allowed to use their grazing permits on lands south of the boundary; and
5. A large portion of the Peabody Lease Area overlaps the NPL northern boundary. For the Lease Area which has been strip mined there currently is an on-going reclamation program. The objective of this reclamation program is to re-seed and manage the land so it eventually becomes suitable for grazing again. Many residents were forced to move northward across the NPL boundary to make way for the strip mining and now they must wait years until the reclamation is completed so that the residents can use the land again. These residents have valid grazing permits for Grazing District 8 which recognizes their customary use right to lands south of the NPL boundary; and
6. The BMRB has for years recognized the plight of Black Mesa residents in having to move and not being able to use the land to sustain their Way of Life. The BMRB has for years sought ways to alleviate some of the hardships faced by these residents because BMRB recognizes and appreciates the sacrifices these residents have made so that the Navajo people and Navajo government can enjoy the economic benefits from the coal mine. Thus, these residents have been allowed by Peabody Energy to graze their animals on reclaimed lands north of the NPL boundary for short periods of time under strict terms and conditions; and
7. The BMRB has learned that these residents presented their objections to the proposed resolutions at the workshop held by the Resource Development Committee but neither the committee nor the Navajo Nation Council (NNC) made any modification to Resolution No. 0093-16 to address these concerns and objections when the NNC approved the resolution at its 2016 Spring Session. The illegally of extinguishing the long established Customary Use Rights of these residents were ignored.



**NOW THEREFORE BE IT RESOLVED THAT:**

The Black Mesa Review Board objects and opposes the consideration and approval of proposed Resolution No. 0034-14 and proposed Resolution No. 1193-16 in their present form

**CERTIFICATION**

We hereby certify that the foregoing resolution was discussed at a duly called meeting of the Black Mesa Review Board at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed and 0 abstained, this 3<sup>rd</sup> day of May 2016

Motion: Andrew Benallie Second: Anna Sullivan

Approval: Paul Madson  
Paul Madson, Chairman  
Black Mesa Review Board



NAVAJO NATION KAYENTA CHAPTER  
POST OFFICE BOX 1088  
KAYENTA CHAPTER, NAVAJO NATION, AZ 86033  
CHAPTER RESOLUTION



RESOLUTION NO: KY16-266-04

**Opposing Proposed Resolution No. 0034-16 and proposed Resolution No. 0093-16 and Urging the Amendment of both Resolutions to Specifically Declare That Any Laws and Regulations Which May Be Enacted in Any Proposal to Issue Grazing Permits and/or to Establish Range Units Within the Navajo Partitioned Lands Are Not Intended to Extinguish the Customary Use Rights of Kayenta Chapter Members Who Live Along the Northern Boundary of the NPL and They Will Not Be Prohibited From Using Their Customary Use Areas South of the NPL Boundary**

**WHEREAS:**

1. Pursuant to Title 26 of the Navajo Nation Code the Kayenta Chapter, as a certified chapter, is vested with the authority and responsibility to address the concerns of its members; and
2. The Legislative Branch and the Natural Resources Division of the Executive Branch of the Navajo Nation and the Federal Bureau of Indian Affairs have jointly embarked on an effort to create new laws and regulations which would regulate the grazing of livestock on the so-called Navajo Partitioned Lands (NPL) upon Black Mesa. There are currently two proposed resolutions being processed in this effort:
  - A. Proposed Resolution No. 0034-16 which would establish "eligibility requirements to qualify for issuance of a grazing permit on the Navajo Partitioned Lands"; sponsored by Council Delegate Alton Shepard and
  - B. Proposed Resolution No. 0093-16 for "adopting and confirming the range unit boundaries and Grazing Districts Established by the Bureau of Indian Affairs for the Navajo Partitioned Lands"; sponsored by Council Delegate Alton Shepard.

The Kayenta Chapter has only recently been informed of these resolutions. The Chapter must now address these resolutions in the strongest terms because the foundation of the way of life of our relatives who live upon Black Mesa and their cherished customary use right to the land as established by their ancestors, is being threaten by these proposed resolution; and

3. Most of the 50 miles long northern boundary of NPL lies within the Kayenta Chapter and is within Grazing District No. 8. There are many families along this northern boundary who have informed the Chapter that they and their livelihood will be adversely impacted by the enactment of the proposed laws and regulations. The harm that will come to these Kayenta Chapter members results from the fact that these families have for many, many generations lived and graze their animals on both the south and north side of the NPL boundary. These families have used these lands continuously and exclusively long before the 1882 Joint Use Area was imposed by the federal government, Long before the Joint Use Area was partitioned by the federal court in the 1970's, and long before the BIA and the Navajo government initiated the current effort to regulate grazing of the NPL. These families also have grazing permits for Grazing District No. 8 which were originally issued in 1940's, long before long before the partitioning of the 1882 Joint Use Area. The use of these grazing permits upon lands south of the NPL boundary has long been recognized. The Kayenta Chapter finds that there is no question that these families have customary use right to lands south of the NPL boundary and that there is a need for the Chapter to act to protect its members from this attack against their fundamental right to continue to use these lands. The enactment of these resolutions would prohibit these families from using the customary use areas south of the NPL boundary and these customary use areas would then be subject to other possible permittees who are strangers to the lands; and

4. The Kayenta Chapter also notes that many of these families also have suffered, and continue to suffer, the consequences of being displaced from their lands by the strip mining of coal by Peabody Energy. They had to move to make way for the strip mining and their use areas are now subject to the use restrictions imposed for reclamation purposes. Many of these families had to move their homes and their livestock from the use areas south of the NPL to north of the boundary. All the families along the northern boundary of NPL also suffer daily pollution of the mining operation. Instead of addressing the needs of these families caused by the Navajo government leasing of Navajo land to exploit coal and water it appears that our own government now wishes to also arbitrarily and illegally extinguish their land use rights; and
5. 25 CFR Part 161 as enacted by the U.S Department of the Interior in 2005 "provides for flexibility in determining range unit boundaries, and allows for agreements to be reached on historical use". Part 161 also states that "Contiguous areas outside of the Navajo Partitioned Lands may be included under this part for management purposes by the BIA in consultation with the affected permittees and other affected permittees and other affected land users, and with the concurrence of the Resources Committee." It is truly tragic that our own Navajo government would not make the effort to consider the customary use rights of our relatives who live along the NPL boundary and have used lands south of the boundary for generations. It is obvious from the two proposed resolutions that our own government does not want to consider customary use rights. The proposed resolutions if enacted without any changes would prohibit these families from grazing their animals south of the NPL boundary. The Kayenta Chapter is fully aware of the history of other governments taking away our lands, exploiting our resources and destroying our Way of Life. The proposed resolutions only reflect the sad realization that our own government is beginning to treat us in the same inhumane way that others have. The Kayenta Chapter must object to this effort; the chapter will not condone such treatment of our people.

**NOW THEREFORE BE IT RESOLVED:**

1. The Kayenta Chapter hereby objects and opposes the consideration and approval of proposed Resolution No. 0034-16 and Proposed Resolution No. 0093-16 in their present form; and
2. The Kayenta Chapter urgently recommends that both of these proposed resolutions be amended to specifically declare that any laws and regulations which may be enacted in any proposal to issue grazing permits and/or to establish range units within the Navajo Partitioned Lands are not intended to extinguish the customary use rights of Kayenta Chapter members who live along the northern boundary of the NPL and they will not be prohibited from using their customary use areas south of the NPL boundary; and
3. All officers of the Kayenta Chapter, the Council Delegate representing the Kayenta Chapter, the grazing official for the Kayenta Chapter, The District 8 Grazing Committee and the representative of the Kayenta Chapter on the Black Mesa Review Board are instructed to attend all meetings concerning these matters and ensure that our relatives upon Black Mesa are fully protected against any attempt upon their customary use rights.

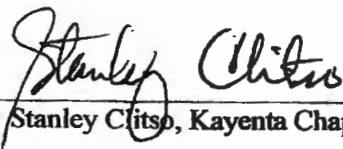
**CERTIFICATION**

The Kayenta Chapter hereby certifies that the foregoing resolution was fully considered at a duly called meeting at the Kayenta Chapter at which a quorum was present and that same was passed by vote of 42 in favor, 0 opposed and 2 abstained on this 20<sup>th</sup> day of April 2016.

Motion by: Albert Bailey

Second by: Ben Edwards

Chapter President

  
Stanley Clits, Kayenta Chapter President



## Chilchinbeto chapter

"HOME OF THE WORLD'S LARGEST NAVAJO RUG"

P. O. BOX 1681, KAYENTA, AZ 86033. EAST HIGHWAY 160 NAVAJO RTE. 59  
PHONE: (928) 697-5680/5681 • FAX (928) 697-5691 [chilchinbeto@navajochapters.org](mailto:chilchinbeto@navajochapters.org)

Thomas Bradley PRESIDENT • JB Kinlacheeny VICE PRESIDENT • Virginia White SECRETREAS.  
Delbert Big. GRAZING OFFICIAL • Nathaniel Brown. COUNCIL DELEGATE



### RESOLUTION OF THE CHILCHINBETO CHAPTER OF THE NAVAJO NATION RESOLUTION NO.: CCH #08-18-2016C

**PROPOSING CHANGES TO THE ALIGNMENT OF RANGE UNITS WITHIN NAVAJO PARTITIONED LANDS STRONGLY RECOMMENDING THAT RANGE UNITS 110, 601, 602, 603, 301 AND 310 BE EXEMPTED FROM THE NEW LAWS AND REGULATIONS FOR USE OF NAVAJO PARTITIONED LANDS; STRONGLY RECOMMENDING THAT RESIDENTS, PERMITTEES, THE KAYENTA AND CHILCHINBETO CHAPTERS BE ALLOWED TO LOCALLY DISCUSS AND AGREE TO THE USE OF LANDS WITHIN THESE RANGE UNITS.**

#### WHEREAS:

1. Pursuant to Title 26 N.N.C. , Chilchinbeto Chapter is certified Chapter of the Navajo Nation and is delegated the authority and responsibility to promote projects which benefits the local community; and
2. Pursuant to 2 N.N.C., Section 4028 (a), the Chilchinbeto Chapter is vested with the authority to review all matters affecting the community and make appropriate recommendations to the Navajo Nation, Federal, State, and local agencies for appropriate actions; and
3. The lands of Chilchinbeto Chapter extend into the Navajo Partitioned Lands (NPL). The Chilchinbeto Chapter administers the regulation of grazing within Grazing Management District #8 which includes lands within the NPL; and
4. Chilchinbeto Chapter is informed that there are at least 25 grazing permits held by residents who live along the northern NPL boundary and these permits authorize grazing use of lands within Grazing Management #8. Chilchinbeto Chapter is also informed that there are at least 23 grazing permits within District #8 which were canceled because the residents lived within NPL; and
5. Chilchinbeto Chapter is now aware that Kayenta Chapter has been strongly opposing the efforts of the Navajo Nation, the Navajo Nation Council and Bureau of Indian Affairs to inflict new range units and eligibility criteria for reissuance of grazing permits upon NPL residents. Chilchinbeto Chapter supports the Kayenta Chapter in this opposition and agree that NPL residents and those who live along the northern boundary of NPL (who are members of either the Chilchinbeto or Kayenta Chapter) have suffered so much hardship from all the boundaries that have been unilaterally imposed upon the in the past-all contrary to, and in violation of, the traditional laws of the Navajo people; and
6. Despite opposition, protestations and recommendations expressed at meetings by our residents with the Resources and Development Committee, the Navajo Nation and Bureau of Indian Affairs continue in their rush to impose new regulations which obviously will inflict great harm upon the residents, and in violation of the traditional fundamental laws otherwise known as customary use rights of the Navajo people. In this haste, the Chilchinbeto Chapter has not been thoroughly informed and consulted, even though our officials have arranged meetings where the Navajo Land Department and BIA officials have failed to appear. Now, the Navajo Nation Council has established range unit boundaries by enactment of Resolution CAP-26-16 with instructions to NPL chapters that they can propose changes to the alignments of the range units, but allowing the chapters only 120 days to make their proposals; and



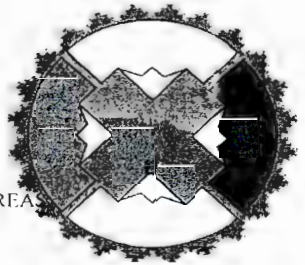


## Chilchinbeto chapter

"HOME OF THE WORLD'S LARGEST NAVAJO RUG"

P. O. BOX 1681, KAYENTA, AZ 86033. EAST HIGHWAY 160 NAVAJO RTE. 59  
PHONE: (928) 697-5680/5681 • FAX (928) 697-5691 [chilchinbeto@navajochapters.org](mailto:chilchinbeto@navajochapters.org)

Thomas Bradley PRESIDENT • JB Kinlacheeny VICE PRESIDENT • Virginia White SECTREAS  
Delbert Big. GRAZING OFFICIAL • Nathaniel Brown. COUNCIL DELEGATE



7. In response to Resolution CAP-26-16, firstly, the Chilchinbeto Chapter declares its position that Navajo traditional fundamental law of customary use rights must be observed and protected by the Navajo Nation government. It is also our position that the law of customary use rights cannot be ignored nor abrogated by our own government without the consent of the People; the law of customary use rights takes precedence over statutory laws that may be enacted by the Navajo Nation Council. It is the position of the Chilchinbeto Chapter that the new regulations, for all intents and purposes, arbitrarily and unilaterally, without the consent of the people, attempts to eradicate the traditional law of customary use rights within NPL. The Chilchinbeto Chapter is firm in its position that neither the Navajo Nation Council, the Navajo Nation nor the Bureau of Indian Affairs has such authority. Secondly, it is the position of the Chilchinbeto Chapter that matters of local land use among our Navajo people and regulation of local land use among the local Chapter governments are matters that must, first and foremost, be addressed by the local governments; conversely, neither the central Navajo Nation government, nor the Bureau of Indian Affairs, have any unilateral authority to issue local land use mandates without consent of the People; and
8. Last, but not least, Chilchinbeto Chapter notes that the two governments have woefully failed to adequately prepare for the inevitable confusion, discord and dissention that will erupt among our People. For example, the Chapter is informed that there are already disputes among neighbors as to fencing, residential sites, access to water, and who should be issued a grazing permit. The regulations say that if the residents cannot reach consensus as to grazing permits, the Land Department Director and the Office of Hearings and Appeals will make the decisions. The Chapter is informed that the Office of Hearings and Appeals does not have resources to efficiently handle the many cases that will surely arise, causing excessive delays, to say nothing of the great expense to be incurred in utilizing lawyers in that tribunal. The Chapter is informed that there are even no readily available funds for the massive fencing project.

### NOW, THEREFORE BE IT RESOLVED THAT:

The Chilchinbeto Chapter, in response to Resolution CAP-26-16, proposes and urges the Navajo Nation government, the Navajo Nation Council and the Bureau of Indian Affairs to:

1. Exempt Range Units 110, 601, 602, 603, 301, and 310 from the current effort/program to establish new laws and regulations for use of Navajo Partitioned Lands; and
2. Allow the Chilchinbeto and Kayenta Chapters to continue discussions with the residents who live and use lands along the northern boundary of Navajo Partitioned Lands (and within Range Units 110, 601, 602, 603, 301, and 310) as to how customary use rights and rights under existing grazing permits will continue to be observed and used, and how and who will be issued new grazing permits for those whose grazing permits were cancelled because they lived within what is now known as Navajo Partitioned Lands.

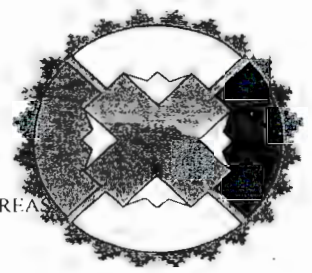


## Chilchinbeto chapter

"HOME OF THE WORLD'S LARGEST NAVAJO RUG"

P. O. BOX 1681, KAYENTA, AZ. 86033. EAST HIGHWAY 160 NAVAJO RTE. 59  
PHONE: (928) 697-5680/5681 • FAX (928) 697-5691 [chilchinbeto@navajochapters.org](mailto:chilchinbeto@navajochapters.org)

Thomas Bradley PRESIDENT • JB Kinlacheeny VICE PRESIDENT • Virginia White SEC/TREAS  
Delbert Big. GRAZING OFFICIAL • Nathaniel Brown. COUNCIL DELEGATE



### CERTIFICATION

We hereby certify that the foregoing resolution was considered at a duly called meeting at Chilchinbeto Chapter, Navajo Nation, at which a quorum was present and that the same was passed by a vote of 36 in favor, 0 abstained, and 0 opposed, this 18<sup>th</sup> day of August 2016.

Motioned By: Marlene Singer

Seconded By: Amas Yazzie

Thomas Bradley, President



NAVAJO NATION KAYENTA CHAPTER  
 POST OFFICE BOX 1088  
 KAYENTA CHAPTER, NAVAJO NATION, AZ 86033  
 CHAPTER RESOLUTION



RESOLUTION NO: KY16-266-04

**Opposing Proposed Resolution No. 0034-16 and proposed Resolution No. 0093-16 and Urging the Amendment of both Resolutions to Specifically Declare That Any Laws and Regulations Which May Be Enacted in Any Proposal to Issue Grazing Permits and/or to Establish Range Units Within the Navajo Partitioned Lands Are Not Intended to Extinguish the Customary Use Rights of Kayenta Chapter Members Who Live Along the Northern Boundary of the NPL and They Will Not Be Prohibited From Using Their Customary Use Areas South of the NPL Boundary**

**WHEREAS:**

1. Pursuant to Title 26 of the Navajo Nation Code the Kayenta Chapter, as a certified chapter, is vested with the authority and responsibility to address the concerns of its members; and
2. The Legislative Branch and the Natural Resources Division of the Executive Branch of the Navajo Nation and the Federal Bureau of Indian Affairs have jointly embarked on an effort to create new laws and regulations which would regulate the grazing of livestock on the so-called Navajo Partitioned Lands (NPL) upon Black Mesa. There are currently two proposed resolutions being processed in this effort:
  - A. Proposed Resolution No. 0034-16 which would establish "eligibility requirements to qualify for issuance of a grazing permit on the Navajo Partitioned Lands"; sponsored by Council Delegate Alton Shepard and
  - B. Proposed Resolution No. 0093-16 for "adopting and confirming the range unit boundaries and Grazing Districts Established by the Bureau of Indian Affairs for the Navajo Partitioned Lands"; sponsored by Council Delegate Alton Shepard.

The Kayenta Chapter has only recently been informed of these resolutions. The Chapter must now address these resolutions in the strongest terms because the foundation of the way of life of our relatives who live upon Black Mesa and their cherished customary use right to the land as established by their ancestors, is being threaten by these proposed resolution; and

3. Most of the 50 miles long northern boundary of NPL lies within the Kayenta Chapter and is within Grazing District No. 8. There are many families along this northern boundary who have informed the Chapter that they and their livelihood will be adversely impacted by the enactment of the proposed laws and regulations. The harm that will come to these Kayenta Chapter members results from the fact that these families have for many, many generations lived and graze their animals on both the south and north side of the NPL boundary. These families have used these lands continuously and exclusively long before the 1882 Joint Use Area was imposed by the federal government, Long before the Joint Use Area was partitioned by the federal court in the 1970's, and long before the BIA and the Navajo government initiated the current effort to regulate grazing of the NPL. These families also have grazing permits for Grazing District No. 8 which were originally issued in 1940's, long before long before the partitioning of the 1882 Joint Use Area. The use of these grazing permits upon lands south of the NPL boundary has long been recognized. The Kayenta Chapter finds that there is no question that these families have customary use right to lands south of the NPL boundary and that there is a need for the Chapter to act to protect its members from this attack against their fundamental right to continue to use these lands. The enactment of these resolutions would prohibit these families from using the customary use areas south of the NPL boundary and these customary use areas would then be subject to other possible permittees who are strangers to the lands; and



4. The Kayenta Chapter also notes that many of these families also have suffered, and continue to suffer, the consequences of being displaced from their lands by the strip mining of coal by Peabody Energy. They had to move to make way for the strip mining and their use areas are now subject to the use restrictions imposed for reclamation purposes. Many of these families had to move their homes and their livestock from the use areas south of the NPL to north of the boundary. All the families along the northern boundary of NPL also suffer daily pollution of the mining operation. Instead of addressing the needs of these families caused by the Navajo government leasing of Navajo land to exploit coal and water it appears that our own government now wishes to also arbitrarily and illegally extinguish their land use rights; and
5. 25 CFR Part 161 as enacted by the U.S Department of the interior in 2005 "provides for flexibility in determining range unit boundaries, and allows for agreements to be reached on historical use". Part 161 also states that "Contiguous areas outside of the Navajo Partitioned Lands may be included under this part for management purposes by the BIA in consultation with the affected permittees and other affected permittees and other affected land users, and with the concurrence of the Resources Committee." It is truly tragic that our own Navajo government would not make the effort to consider the customary use rights of our relatives who live along the NPL boundary and have used lands south of the boundary for generations. It is obvious from the two proposed resolutions that our own government does not want to consider customary use rights. The proposed resolutions if enacted without any changes would prohibit these families from grazing their animals south of the NPL boundary. The Kayenta Chapter is fully aware of the history of other governments taking away our lands, exploiting our resources and destroying our Way of Life. The proposed resolutions only reflect the sad realization that our own government is beginning to treat us in the same inhumane way that others have. The Kayenta Chapter must object to this effort; the chapter will not condone such treatment of our people.

#### **NOW THEREFORE BE IT RESOLVED:**

1. The Kayenta Chapter hereby objects and opposes the consideration and approval of proposed Resolution No. 0034-16 and Proposed Resolution No. 0093-16 in their present form; and
2. The Kayenta Chapter urgently recommends that both of these proposed resolutions be amended to specifically declare that any laws and regulations which may be enacted in any proposal to issue grazing permits and/or to establish range units within the Navajo Partitioned Lands are not intended to extinguish the customary use rights of Kayenta Chapter members who live along the northern boundary of the NPL and they will not be prohibited from using their customary use areas south of the NPL boundary; and
3. All officers of the Kayenta Chapter, the Council Delegate representing the Kayenta Chapter, the grazing official for the Kayenta Chapter, The District 8 Grazing Committee and the representative of the Kayenta Chapter on the Black Mesa Review Board are instructed to attend all meetings concerning these matters and ensure that our relatives upon Black Mesa are fully protected against any attempt upon their customary use rights.

#### **CERTIFICATION**

The Kayenta Chapter hereby certifies that the foregoing resolution was fully considered at a duly called meeting at the Kayenta Chapter at which a quorum was present and that same was passed by vote of 42 in favor, 0 opposed and 2 abstained on this 20<sup>th</sup> day of April 2016.

Motion by: Albert Bailey

Second by: Ben Edwards

Chapter President



Stanley Clitso, Kayenta Chapter President





**MEMORANDUM**

TO: Honorable Herman Daniels, Jr.  
Shonto, Naatsi'is'áán, Oljato, and Ts'ah Bii Kin Chapters

FROM:

*Mariana Kahn*

Mariana Kahn, Attorney  
Office of Legislative Counsel

DATE: October 5, 2016

SUBJECT: A PROPOSED NAVAJO NATION COUNCIL RESOLUTION, AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; AMENDING CAP-26-16 BY EXEMPTING RANGE UNITS 110, 601, 602, 603, 301, AND 310 FROM THE DETERMINATION OF NAVAJO PARTITIONED LANDS RANGE UNIT BOUNDARIES AND GRAZING DISTRICTS; AMENDING IGRJN-110-10 BY EXEMPTING RANGE UNITS 110, 601, 602, 603, 301, AND 310 FROM ELIGIBILITY CRITERIA FOR ISSUANCE OF NEW NAVAJO PARTITIONED LAND GRAZING PERMITS; AUTHORIZING KAYENTA CHAPTER AND CHILCHINBETO CHAPTER OFFICIALS TO DISCUSS WITH LAND USERS, PERMITTEES, AND RESIDENTS OF RANGE UNITS 110, 601, 602, 603, 301, AND 310 THE BOUNDARIES AND GRAZING PERMITS ELIGIBILITY CRITERIA FOR THESE RANGE UNITS; AND, DIRECTING THAT THE KAYENTA CHAPTER AND CHILCHINBETO CHAPTER OFFICIALS PROVIDE A REPORT TO THE NAVAJO NATION COUNCIL ON THESE MATTERS

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. §§301, 401, 501, 601 and 701. 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: \_0361-16\_

SPONSOR: Herman Daniels, Jr.

**TITLE: An Action Relating Resources and Development; NAABIK''IYATI' Committee And The Navajo Nation Council; Amending CAP-26-16 By Exempting Range Units 110, 601, 602, 603, 301, and 310 from the Determination Of Navajo Partitioned Lands Range Unit Boundaries And Grazing Districts; Amending IGRJN-110-10 by Exempting Range Units 110, 601, 602, 603, 301, And 310 From Eligibility Criteria For Issuance Of New Navajo Partitioned Land Grazing Permits; Authorizing Kayenta Chapter And Chilchinbeto Chapter Officials To Discuss With Land Users, Permittees, And Residents Of Range Units 110, 601, 602, 603, 301, And 310 The Boundaries And Grazing Permits Eligibility Criteria For These Range Units; And, Directing That The Kayenta Chapter And Chilchinbeto Chapter Officials Provide A Report To The Navajo Nation Council On These Matters**

***Date posted:*** October, 06 2016 at 5:10 PM

**Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto: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.*