

## 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.

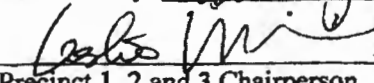
1. Approves range land on the Navajo Nation in trust status into range units and approve and implement range management plans to the Bureau of Indian Affairs Branch of Natural Resources.
2. The Navajo Nation in consultation with the BIA will plan range management / conservation plans that include grazing 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

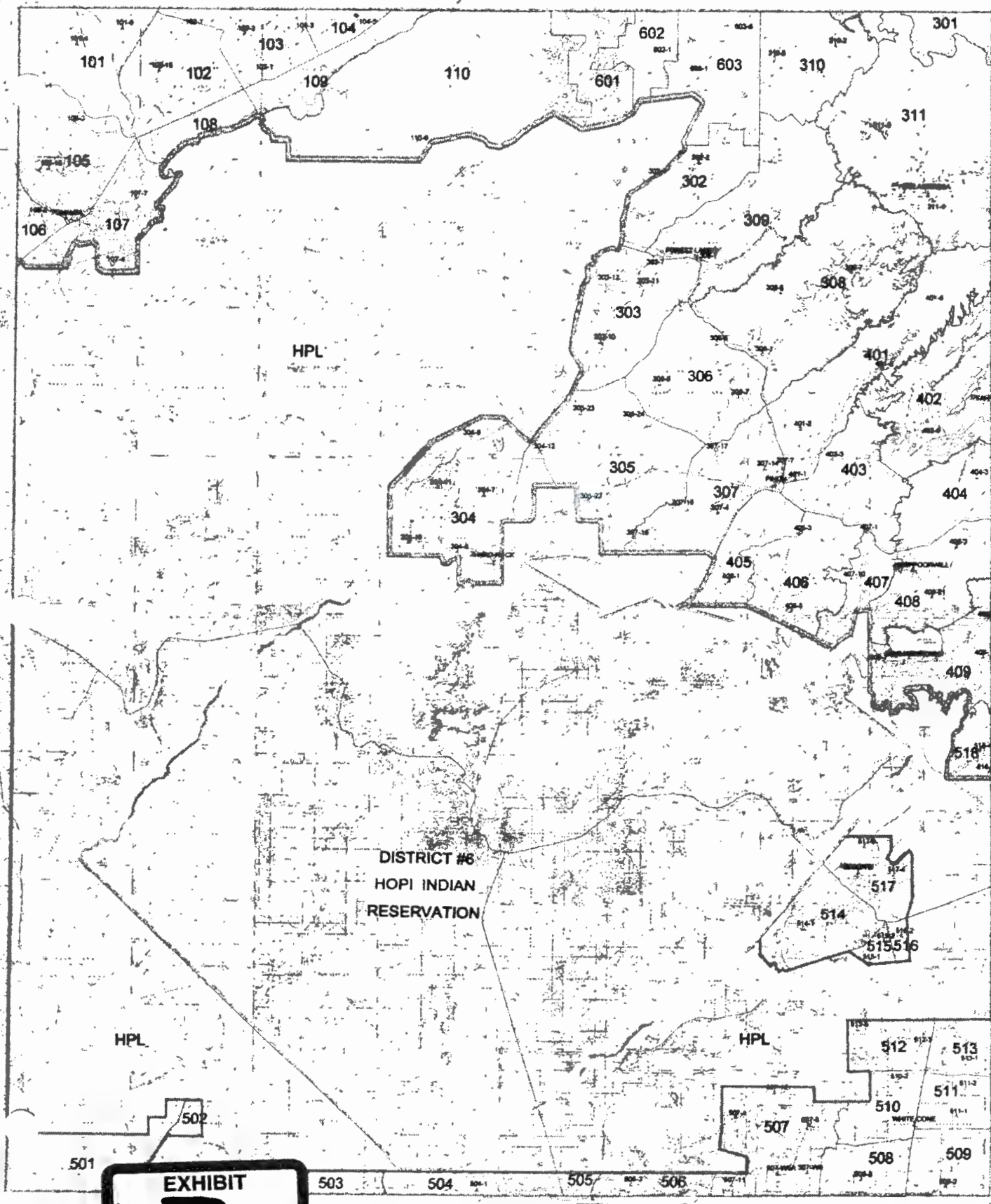


EXHIBIT  
**B**



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 Relocateses 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.

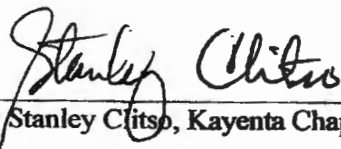
**CERTIFICATION**

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



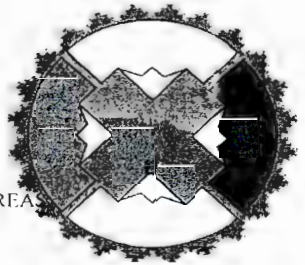


## Chilchinbeto chapter

"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.

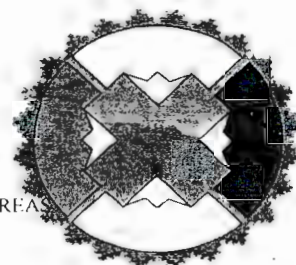


## Chilchinbeto chapter

"HOME OF THE WORLD'S LARGEST NAVAJO RUG"

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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.*

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

**LEGISLATION NO.:** 0361-16

**SPONSOR:** Honorable Herman M. Daniels

**TITLE:** An Action Relating Resources and Development; NAABIK'YATI' 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

**Posted:** October 6, 2016 at 5:10 pm

**5 DAY Comment Period Ended:** October 11, 2016

**Digital Comments received:**

<b>Comments Supporting</b>	<ol style="list-style-type: none"> <li><i>Rose Yazzie – Black Mesa Chapter, Forrest Lake Chapter, Kayenta Chapter, Chilchinbeto Chapter, Shonto Chapter and Western Agency Council Resolution</i></li> </ol>
<b>Comments Opposing</b>	<ol style="list-style-type: none"> <li><i>Lorene Y. Greyeyes – Crime Report submitted is not reproduced herein due to references in the document that relate to personal information that is potentially protected by the Navajo Nation Privacy Act, 2 N.N.C. §85.</i></li> </ol>
<b>Inclusive Comments</b>	<ol style="list-style-type: none"> <li><i>Renelda Begay, Navajo Department of Agriculture (Need Legal Review of Comments made by Ms. Begay)</i></li> </ol>

  
 Policy Analyst

Office of Legislative Services

10/12/16 10:56am

Date/Time



Legislation 0361-16; Amending CAP-26-16; Exempting Range Units  
110,601,602,603.301,310

DELETE

REPLY

REPLY ALL

FORWARD

Rose Yazzie <rjy2016@hotmail.com>

mark as unread

Sun 10/9/2016 7:06 PM

To: comments;

We live along the northern boundary of NPL, have customary use rights and we have grazing permits. We ask the NNC to pass this legislation 0361-16. **Local governance must be followed when use of Navajo land is the issue.**

The following chapters have passed resolutions supporting this legislation:

1. Chilchinbeto; CCH#08-18-2016C
2. Kayenta; KY16288-08 and KY16-266-04
3. Shonto; SH08-78-16
4. Black Mesa.

In addition, the Western Agency Council (18 chapters) passed a resolution on September 17, 2016 supporting this legislation. The Black Mesa Review Board also passed Resolution BMRB 08 10 16 and Resolution BMRM 05 03 16 A in support of this legislation. Forest Lake Chapter also passed Resolution FLC-16-08-00-6 asking for changes to the Range Units.

We will be meeting locally with our grazing committee members to formulate grazing use plans.

Thank you,

Rose J. Yazzie

Thelma Johnson

Sally Chief

Thomas Crank

Simon Crank

Johnston Crank

Phillip Etschitty

Ben Crank

Lillie Johnson

Bessie Parrish

Eli Crank

Sent from Mail for Windows 10

## Comments for Legislation 0361-16

[DELETE](#)[REPLY](#)[REPLY ALL](#)[FORWARD](#)

Rose Yazzie <rjy2016@hotmail.com>

[mark as unread](#)

Wed 10/12/2016 9:44 AM

**To:** comments;

2 attachments

RYazzie-  
com~.pdf

ryazzie-  
pro~.pdf

Bing Maps

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Attention: MARY NEZ

Miss Nez,

Thank you for speaking with me earlier. I understand that I can still submit comments, which will be put in a supplemental report for the above legislation 0361-16, which will be considered tomorrow by the RDC and Nabi. Thank you so much for allowing this submission.

Attached please find 2 attachments—

First attachment contains chapter resolutions from Black Mesa, Forrest Lake, Kayenta, Chilchinbeto and Shonto.

Second attachment contains a detail map of my customary use area and the proposed unit boundaries.

Grateful,

Rose Yazzie  
P O Box 1275  
Kayenta, AZ 86033

**RESOLUTION OF THE  
BLACK MESA (Kits'illi) CHAPTER**

BMC-16-09-148

Requesting the Navajo Nation Council to Re-evaluate the Implementation of Resolution CAP-26-16 Which Mandated NPL Chapters to Present Alignment of Range Units. Resolution CAP-26-16 is Void on Impact on People Living in the Areas of NPL Boundary. The Eventual Implementation of CAP-16-09 Should be Deferred Until Appropriate Plan is Clarified or Developed that Focuses on the Concerns of the People Whose Customary Grazing Lands Will be Divided by NPL Boundary Pursuant to CAP-26-16

Whereas 1: The Black Mesa Chapter is authorized to advocate, advance, obtain and retain program assistance for the welfare of its community members and to represent their concerns when certain activities or laws that may impact them; and

Whereas 2: The Black Mesa Chapter in collaboration with Grazing Permit holders endeavored to fully comply with the instructions of Resolution CAP-26-16 in finalizing the alignment of range units within the Chapter's administrative area. During the course of working with the grazing permit holders on the said alignments, a genuine concern emerged regarding the probable harmful impact on the people living in the areas along the NPL boundary. Unfortunately, this sector of impact might have been inadvertently overlooked or perhaps deliberately disregarded by CAP-26-16; and

Whereas 3: The foremost worries of the people living along the NPL boundary pertains to the planned division of their customary grazing lands. Such division will result in unjustly taking away their customary grazing lands and thereby their livelihoods. The affected land users have requested the Black Mesa Chapter to alert and inform the Navajo Nation leaders and Bureau of Indian Affairs that their concerns be recognized by making appropriate amendments or changes before finalizing the implementation of CAP-26-16. It behooves our leaders to ensure that legitimate concerns of the people living along NPL boundary be afforded proper rectifications as a respect for their rights.

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

1. The Black Mesa Chapter hereby with all due respect requests the Navajo Nation Council to defer finalizing the intent of Resolution CAP-26-16 until the concerns of Dine' people living along the Boundary are properly resolved. The solution is conveniently available through K', K' the indispensable intrinsic to Dine' traditional laws, the Dine' people cherish and pray the leaders of the people will uphold, defend and observe these laws.

Larry Biltah  
Chapter President

Caroline Beimore  
Chapter Vice-President

Marlene Biltah  
Chapter Secretary/ Treasurer

Francis Honie  
Grazing Committee Member

Dwight Witherspoon  
Council Delegate

RESOLUTION NO. BMC-16-09-148

**CERTIFICATION**

We hereby certify that the foregoing resolution was fully considered by the Black Mesa Chapter at a duly called meeting at Black Mesa, Arizona at which a quorum was present and that same was passed by a vote of 15 in favor, 00 opposed, and 05 abstained, on this 16<sup>th</sup> day of September, 2016.

Motioned by: Jimmy Yellowhair

Seconded by: Dorothy Yazzie

  
\_\_\_\_\_  
Larry Biltah, President

  
\_\_\_\_\_  
Caroline Bemore, Vice President

  
\_\_\_\_\_  
Marlene Biltah, Secretary/Treasurer

\_\_\_\_\_  
Dwight Witherspoon, Council Delegate





Irene Begay, President  
Fern Benally, Vice-President  
Brenda White, Secretary/Treasurer  
Irene Begay, Grazing Representative  
Ella M. Benally, Community Service Coordinator

**RUSSELL BEGAYE**  
**PRESIDENT**

**JONATHAN NEZ**  
**VICE-PRESIDENT**

**Resolution of the Forest Lake Chapter**  
**FLC-16-08-00**

The Forest Lake Chapter strongly recommends District Grazing and the Resource Development Committee to study and reconcile the attached Navajo Partitioned Land (NPL) Range Unit alignments as proposed by the Forest Lake Chapter before approving Navajo Nation Council (NNC) Resolution. CAP 26-16.

**WHEREAS:**

1. Pursuant to the Local Governance Act, 26 N.N.C., Chapter 1, Sub-Chapter, Section 3 (a) The Forest lake Chapter is continued as a Certified Chapter of the Navajo Nation by the Navajo Nation Council Resolution number CAP-34-98; And
2. Pursuant to Chapter 1, Section 131 (1) (2), of the same Act, the Chapter has the responsibility and authority to promote, protect and preserve the interest and general welfare including the safety of it community, people, programs, property, etc.; And
3. The Forest Lake Chapter's entire boundary is located within the Navajo Partitioned Land; the Chapter includes Eleven (11) Range Units which includes 101, 302, 303, 305, 306, 308, 309, 310, 601, 602, and 603; And
4. Eight (8) of the Eleven (11) Range Units are part of the Forest Lake Chapter and these Range Units also affect the Hardrock, Pinon, Black Mesa, Kayenta, Shonto, and Chilchinbeto Chapters. Three (3) of the Range Units are within the Peabody Western Coal Company Lease Boundary; And
5. The Forest Lake community members met with a Resource and Development Committee on June 6, 2016. The time clock for a 120-day deadline was already running and the deadline date was slated for August 26, 2016; And
6. The Forest Lake community members joined together to pursue the NNC Resolution CAP 26-16 Amendment by having numerous meetings of constituents in the affected Range Units to propose realignments in a manner to preserve their livelihoods and protect their principles, beliefs, and customary use; And
7. The Forest Lake Chapter community members worked together and devised alignment plans which assured there were consent agreements between people living in the area and their neighbors; And
8. The Attached documents, exhibits and maps are documented as transparent agreements which will be presented before the NNC Resource and Development Committee to determine changing alignments from its original Bureau of Indian Affairs (BIA) Range Unit Boundaries, And
9. The Forest Lake Chapter supports and recommends immediate approval and implementation of this Resolution and strongly believes that this resolution is in the best interest of the Navajo Nation, Forest Lake community, and NPL residents.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Forest Lake Chapter strongly recommends the District Grazing and Resource Development Committees to study and reconcile the attachments (Exhibits) Navajo Partitioned Land Range Unit alignment as proposed by the Forest Lake Chapter before approving the NNC Resolution CAP 26-16.
2. The Forest Lake Chapter further request the District Grazing and Resource and Development Committee to give opportunities to members of the Forest Lake Chapter land users to present their proposed amendments.

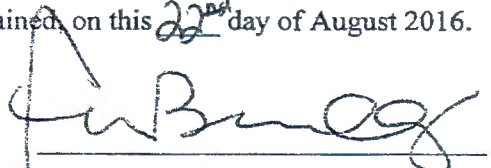
Motioned by Norman Benally

Second by Marie Honie

**CERTIFICATION**

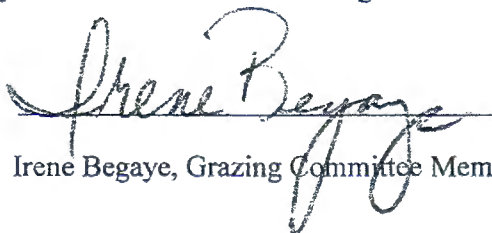
We hereby certify that the foregoing resolution was considered at a duly call meeting at the Forest Lake Chapter, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 41 in favor, 0 opposed, and 15 abstained, on this 22<sup>nd</sup> day of August 2016.

  
Helena Begay, Chapter President

  
Fern Benally, Chapter Vice-President

  
Brenda White, Secretary/Treasurer

  
Dwight Witherspoon, Council Delegate

  
Irene Begaye, Grazing Committee Member



**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





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.





## 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: Amos Yazzie

Thomas Bradley, President



Kayenta Chapter, Navajo Nation, AZ 86033  
Chapter Resolution



KY16-288-08

RESOLUTION OF THE KAYENTA CHAPTER

Proposing Changes to the Alignment of Range Units Within Navajo Partitioned Lands; 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, Permittees, the Kayenta Chapter and Chilchinbeto Chapter be Allowed to Locally Discuss and Agree to the Use of Lands within these Range Units

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. 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
3. Kayenta 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 District #8. Kayenta Chapter is also informed that there are at least 23 grazing permits within District #8 which were cancelled because the residents lived within NPL; and
4. On April 20, 2016, one day before the NNC approved Resolution CAP-26-16, the Kayenta Chapter by its Resolution No. KY16-266-04 strongly opposed the efforts of the Navajo Nation, the Navajo Nation Council and the Bureau of Indian Affairs to inflict new 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 A and is hereby incorporated herein. The Kayenta Chapter further recommended 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
5. Thus far, and despite our opposition, protestations and recommendations expressed at meetings by our residents with the Resources and Development Committee, the Navajo Nation President and Vice President, the Director of the Division of Natural Resources and in our resolution, the Kayenta Chapter has 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. Now, the Navajo Nation Council, after having "approved" range unit boundaries, issues instruction in Resolution CAP-26-16 to NPL chapters to propose changes to the alignments of the range units; and

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. Secondly, it is the position of the Kayenta 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.

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

The Kayenta 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 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 Kayenta Chapter at which a quorum was present and that same was passed by a vote of 36 in favor, 0 opposed and 04 abstained, this 17<sup>th</sup> day of August, 2016.

Motion: Ben Edwards

Second: Rose Yazzie

Chapter President Stanley Clitso

Stanley Clitso, Kayenta Chapter President





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



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

Secretary / Treasurer  
FREIDA LAUGHTER

Grazing Representative  
FRANK LAUGHTER

Council Delegate  
HERMAN DANIELS, JR.



SHONTO CHAPTER  
THE NAVAJO NATION

West Representative  
ROYD LEE

North Representative  
PAUL TODACHEENE

Manager  
ROBERT K. BLACK, JR.

SH08-78-16

**Opposing Proposed Resolution No.0034-16 and proposed Resolution No.0093-16 and Urging the Amendment of both Resolution 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 to Shonto 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 NPL Boundary.**

**WHEREAS:**

1. Pursuant to Title 26 of the Navajo Nation Code the Shonto Chapter, as certified chapter, is vested with the authority and responsibility to address the concerns of its members: and
2. The Legislation Branch and the Natural Resource 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 Land upon Black Mesa. There are currently two proposed resolutions being proceed in this effort:
3. Proposed Resolution No. 0034-16 which would establish "eligibility requirements to qualify for issuance of a grazing permit on the Navajo Partitioned Land"; sponsored by Council Delegate Alton Shepherd and
  - a. Proposed Resolution No. 0093-16 for "adopting and confirming the range unit boundaries and Grazing Districts Established by the Bureau Indian Affairs for the Navajo Partitioned Lands"; sponsored by Council Delegate Alton Shepherd.
  - b. The Shonto 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 those resolution; and
4. The Northern boundary of NPL lies within the Shonto Chapter and is within Grazing District No.2. There are families living along this northern boundary who have informed the Chapter that they and their livelihood will be adversely impacted by the enactment of the proposal laws and regulations. The harm that will come to these Shonto 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 boundaries. 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.2 which was originally issued in 1940's. long before the partitioning of the 1882 Joint Use Area. The use of grazing permits upon land south of the NPL boundary has long been recognized. The Shonto Chapter finds that there is no question that these families have customary use right to land south of the NPL 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



5. The Shonto Chapter also notes that many of these families have suffered. And continue to suffer, that 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 families had to move their homes and their livestock from use areas south of NPL to north boundary. All the families along the northern boundary of NPL also suffer daily pollution of the mining operations, 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

6. 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 Resource Committee. "It is truly tragic that our own Navajo government would not make the effort to consider the customary use rights of the 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 Shonto 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 government is beginning to treat us in the same inhumane way that others have. The Shonto Chapter must object to this effort; the chapter will not condone such treatment of our people.

#### **NOW THEREFORE BE IT RESOLVED;**

1. The Shonto Chapter hereby objects and opposes the consideration and approval of proposed Resolution No.0034-16 and Proposal Resolution No.0093-16 in their present form; and

2. The Shonto 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 Shonto 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 Shonto Chapter, the Council Delegate representing the Shonto Chapter, the grazing official for the Shonto Chapter, the District 2 Grazing Committee and the representative of the Shonto 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.

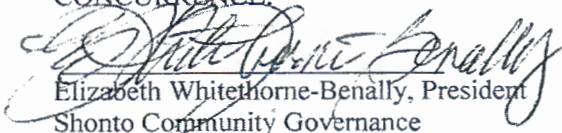
#### **CERTIFICATION**

I hereby certify that the foregoing resolution was discussed at a duly called Council of Nat'aa Special meeting of the Shonto Community Governance (Chapter) at which a quorum was present and that same was passed by a vote of 05 in favor, 00 opposed and 01 abstained, this 23<sup>rd</sup> day of August 2016.

Motion: Sta. ley Yazzie

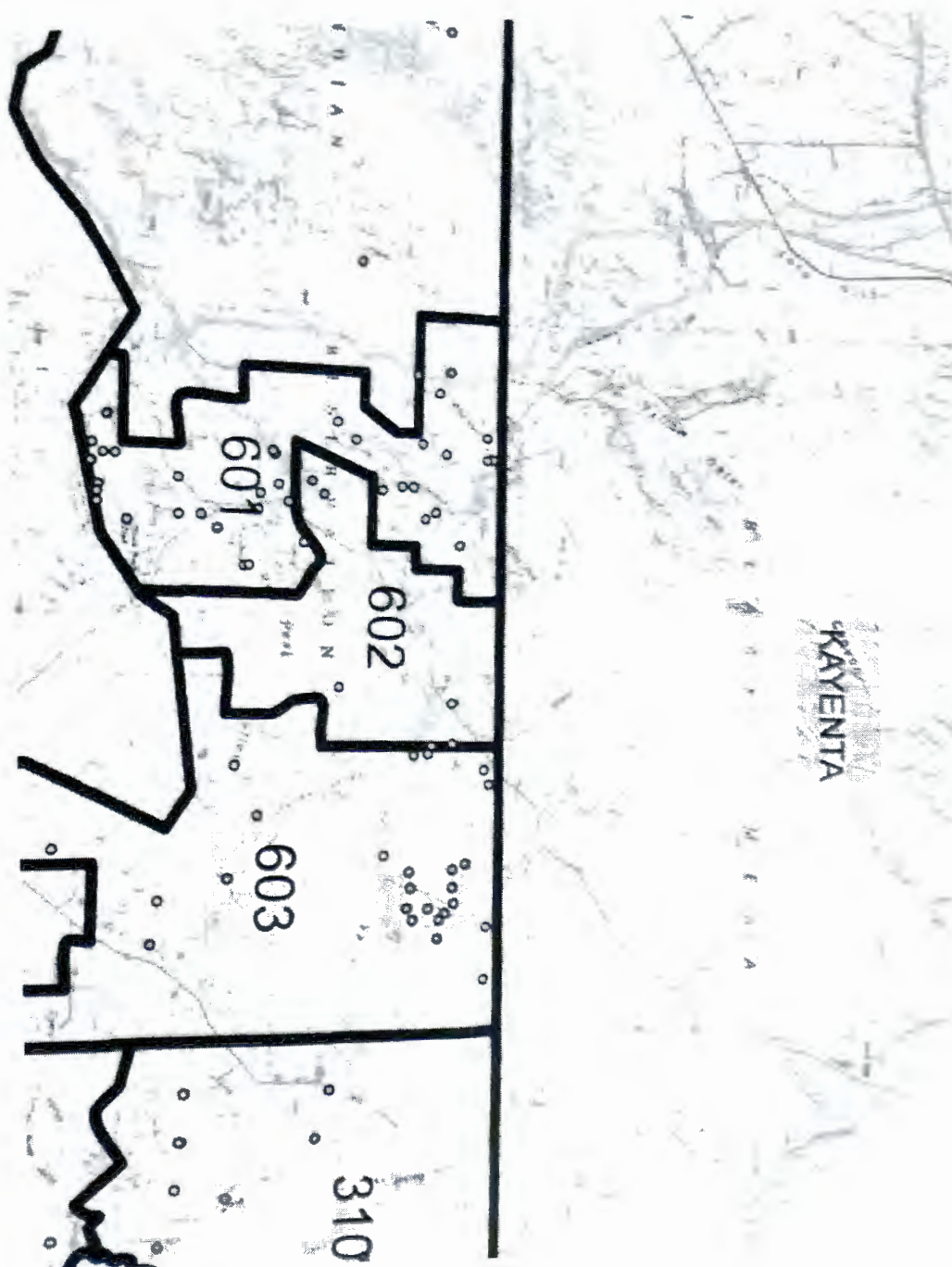
Second: Paul Todacheenie

#### **CONCURRENCE:**

  
Elizabeth Whitethorne-Benally, President  
Shonto Community Governance

Attn: LEGISLATIVE SERVICES

Please add this detail of my customary use area with the RDC's proposed unit boundaries to Legislation 0361-16, thank you. – Rose Yazzie





one more --- Western Agency Council resolution

DELETE

REPLY

REPLY ALL

FORWARD

Rose Yazzie <rjy2016@hotmail.com>

mark as unread

Wed 10/12/2016 10:07 AM

To: comments;

1 attachment

WesternCoun  
~.pdf

Bing Maps

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Attn: MARY NEZ

Mary –

Here is one more resolution to add to my comments sent earlier this morning for Legislation 0361-16, which I just received from Western Agency Council.

Thank you again for all your help this morning.

Rose Yazzie  
PO Box 1275  
Kayenta, AZ 86033

Cameron Chapter

P.O Box 669

Phone: (928) 679-2323

Fax: (928) 679-2297

cameron@navahochapters.org

**FAX**

Pages:

4

To: Office of Legislative CouncilFax: 888-263-2051Date: 10-12-16

Re: \_\_\_\_\_

From: Cameron Chapter

Fax: (928) 679-2297

Phone: (928) 679-2323

Cc: \_\_\_\_\_

Comments: Request from Herb  
Yazzie

- ☐ Urgent
- ☐ For Review
- ☐ Please Comment
- ☐ Please Reply
- ☐ Please Recycle



# WESTERN NAVAJO AGENCY COUNCIL

Stanley Yazzie  
President

Isabelle Walker  
Vice-President

Louise Kerley  
Secretary



## RESOLUTION OF THE WESTERN NAVAJO AGENCY

Opposing the Implementation of the New Law Enacted by Resolution CAP-26-16; Proposing Changes to the Alignment of Range Units Within Navajo Partitioned Lands; Strongly Recommending that Range Units 110, 601, 602, 603, 310 and 301 be Exempted from the New Laws and Regulations for Use of Navajo Partitioned Lands; Strongly Recommending that Residents, Permittees, Chilchinbeto Chapters, Kayenta Chapter, Shonto Chapter and Forest Lake Chapter be Allowed to Locally Discuss and Agree to the Use of Lands within these Range Units.

Resolution No. WNA-261-105-16 #8

### WHEREAS:

1. The Western Navajo Agency Council is a consortium of duly elected Chapter Officials of eighteen (18) certified Navajo Nation Chapters that advocate, promote and support common goals and interests of the respective Chapters; and
2. The Western Navajo Agency Council is comprised of elected officials from eighteen(18) Navajo Nation Chapters in the Western Navajo Agency and has the responsibility and authority to address matters and projects that will benefit the 18 chapters of the Western Navajo Agency of the Navajo Nation; and
3. The Western Navajo Agency Council a recognized certified local government of the Navajo Nation, vested with the power and authority to advocate on behalf of its constituents for the improvement of health, education, safety and general welfare; and
4. On April 20, 2016 the Navajo Nation Council by Resolution CAP-26-16 enacted a law establishing boundaries for new Range Units within the Navajo Partitioned Lands (NPL). The Chapters in the Western Agency learned that its members who lived along the northern boundary of NPL and who either had long established customary use of lands north and south of the NPL boundary or had grazing permits for use of lands in Grazing Districts which overlap the northern boundary or whose grazing permits were cancelled because they lived within the NPL during the litigation of the Navajo Hopi Land Dispute would all be prohibited from continuing to use lands on both the south and north side of the NPL boundary; and

Birdsprings ~ Bodaway/Gap ~ Cameron ~ Chilchinbeto ~ Coalmine ~ Coppermine ~ Dennehotso ~ Kaibeto ~  
Kayenta ~  
Shoe ~ Leupp ~ Navajo Mountain ~ Oljato ~ Shonto ~ Tolani Lake ~ To Naneesdizi ~ Tonalea ~ Ts'ah Bii'  
Kin



# WESTERN NAVAJO AGENCY COUNCIL

Stanley Yazzie  
President

Isabelle Walker  
Vice-President

Louise Kerley  
Secretary



5. The Chapter of Kayenta (Resolution KY16-266-04 and KY16-288-08), Chilchinbeto (Resolution CCH#08-18-2016C), Shonto (Resolution \_\_\_\_\_), and Forest Lake (Resolution \_\_\_\_\_) have enacted contrary to and in violation of the Navajo traditional law of customary use rights, the statutory law and regulations regulating grazing permits and the statutory laws as to Local Governance and must not imposed on its members. All of these Chapters have further expressed their position that this law was enacted without adequate consultation with the Chapters and its members; and
6. The Western Navajo Agency Council fully supports and agree with all the reasons of these Chapters in their opposition to the implementation of the new law. The Western Navajo Agency Council emphasizes its position that use of lands is, first and foremost, a matter of local governance. Without prior and proper adequate consultation and consent, the central Navajo government, the Navajo Nation Council and the Bureau of Indian Affairs has no authority to unilaterally and arbitrarily enact laws and regulations which will negatively impact the traditional and statutory rights of the local people to use lands they were blessed with. Furthermore, the Western Navajo Agency Council questions why the Navajo Nation would allow the continued use of the boundaries of the 1882 Executive Order reservation in its new plans to regulate grazing boundaries which have caused so much anguish and suffering of the Navajo People resulting in relocation of hundreds of our relatives. What is referred to as Navajo Partitioned Lands is, and has always been Navajo lands and should be treated as such without reference to lines in the sand which were not consented to by the Navajo People.

## NOW THEREFORE BE IT RESOLVED THAT:

1. The Western Navajo Agency Council Opposing the Implementation of the New Law Enacted by Resolution CAP-26-16.
2. Furthermore, the Western Navajo Agency Council, 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:
  - Exempt Range Units 110, 601, 602, 603, 310 and 301 from the current effort/program to establish new laws and regulations for use of Navajo Partitioned Lands; and
  - Chilchinbeto Chapters, Kayenta Chapter, Shonto Chapter and Forest Lake 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, 310 and 301) 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

irdsprings ~ Bodaway/Gap ~ Cameron ~ Chilchinbeto ~ Coalmine ~ Coppermine ~ Dennehotso ~ Kaibeto ~  
 hee ~ Leupp ~ Navajo Mountain ~ Oljato ~ Shonto ~ Tolani Lake ~ To Naneesdizi ~ Tonalea ~ Ts'ah Bii'  
 Kin





# WESTERN NAVAJO AGENCY COUNCIL

Stanley Yazzie  
President

Isabelle Walker  
Vice-President

Louise Kerley  
Secretary



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 properly presented at a duly called Western Navajo Agency Council Session at **Shonto Chapter, Shonto, Arizona** where a quorum was presented and passed with a vote of 25 In Favor; 0 Opposed; and 0 Abstained on this 17th day of September 2016. (lost)

Motion: Stanley Clitso Second: Perry Slim.

\_\_\_\_\_  
Stanley Yazzie, President

  
\_\_\_\_\_  
Louise Kerley, Secretary

irdsprings ~ Bodaway/Gap ~ Cameron ~ Chilchinbeto ~ Coalmine ~ Coppermine ~ Dennehotso ~ Kaibeto ~  
Kayenta ~  
hee ~ Leupp ~ Navajo Mountain ~ Oljato ~ Shonto ~ Tolani Lake ~ To Naneesdizi ~ Tonalea ~ Ts'ah Bii'  
Kin

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

Lorene Y. Greyeyes  
P.O.Box 1371  
Kayenta, Arizona 86033  
Cell: 928-675-8705

August 10, 2016

**Subject: TITLE: An Action to Resources and Development. Range Unit Boundaries/NPL of The Forest Lake Chapter**

I respectfully suggest that all departments affiliated with land use reconsider letting the Community to do the Range Unit realignment activity. We need The Resource Committees, Grazing Representatives, Navajo Partition Lands department, NAABIK'YATI' COMMITTEE and The NAVAJO NATION COUNCIL to protect us, certain individuals that have been deprived of our rights, and established customary use area by aggressive or greedy individuals. We have not been notified formally regarding the realignment meetings at the Chapter level. Some of us did not participate in any decision making or approved of realignment in the 120 days extension at the Forest Lake Chapter. We only approve of what is established by the BIA for NPL because it is very fair and assessed.

I really do not think it is a wise choice to allow non official residents of any community to be designated to make decisions on The Purposed Range Unit Boundaries. It makes the committees' authority vague where Officials making their own interpretation of delegation in any way that suits their personal agendas.

It is unfortunate that some of us with few in clan system, non dominate society and without power over our original The Legitimate 1941 Customary Use Area that was established according to 1941 Estimates, Surveys and Decisions on issuance of Grazing Permits that was provided to whom ,how many acreage with how many livestock were allowed to certain acreage to be divided by another family that have established customary use area 306 Purposed Range Unit under Precinct 2 Forest Lake Chapter..

There is no legitimate reason for Rita Benally, Mary Lou Slim and Percy Deal to claim portions of our Customary Use area when they have sufficient Customary Use Area of their own in 306 The Purposed Range Unit. Attached reports of incidents they have demonstrated upon us with no current solution. We have exhausted all remedies to solve the dispute because Rita Benally and Mary Lou Slim do not abide by regulations. The worst part is they involve families and their children like an organized gang.

Respectfully,

*Lorene Y. Greyeyes*

RESOLUTION

LORENE GREYEVES, FOREST LAKE CHAPTER COMMUNITY MEMBER

P. O. Box      Kayenta, Arizona 86033 Cell:

AUGUST 10, 2016

TITLE: An Action and Official Position Of The Forest Lake Chapter Relating to Resources and Development NAABIK'IYATI' 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.

**Whereas:**

1. Pursuant to the Navajo Tribal Council Resolution: C-20-35, the Forest Lake Chapter of the Navajo Nation was established possessing full authority to act in the best interest and welfare of its constituents; and
2. The Navajo Nation, through its Purposed Range Unit Management Plan and Master Plan, which included goals for: improvement of quality of life, production, landscape as to the 1998 goals regarding land and livestock use pursuant to established Navajo Partition Land(NPL) regulations for use; and
3. The Navajo Nation published for comment on March 23, 2016 proposed legislation titled: "An Action Relating to Resources and Development NAABIK'IYATI' 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 (Legislation No. 0093-16)," wherein it creates a comprehensive plan to address NPL lands including those lands located within the Forest Lake Chapter; and
4. A proposed amendment was submitted to Legislation No. 0093-16, include the following language: "Allow Navajo Partitioned Land Chapters 120 days to make proposed alignments for range units through: 1) chapter resolutions and 2) grazing committees' resolutions. Division of Natural Resources is directed to stake a 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) or 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;" and
5. Lorenzo Yazzie (C#      ) and Lorene Greyeyes (C#      ) and family members are lifetime residents of the forest Lake community, with established dwelling, grazing and planting fields and the overall use of the family's customary use area for five generations; approximately since 1700; and

6. Lorene Greyeyes and her family have always resided in the 303 Purposed Range Unit with her father, Lorenzo Yazzie (C#        Permit No.        with 11 siblings, their children, grandchildren and great grandchildren. Their customary use area is approximately (5) Five miles wide and (8) eight miles long, which include (2)) two grazing permit and were issued according to estimated land base in January 2, 1941, Part 22, 25-CFR which have always been under the jurisdiction of the Forest Lake Chapter; and
7. Lorene Greyeyes and her family object to the proposed amendments to Legislation No. 0093-16 to the extent it reduces the family's customary use area established on January 02, 1941, because the established and recognized areas and the new amendment will subject the family's established customary use area to division and reduction from encroaching individuals who are already situated in 306 Purposed Range Unit, namely Rita Benally and Mary Lou Slim; and
8. Lorene Greyeyes and her family further object to the proposed amendments to Legislation No. 0093-16 to the extent it will allow non community and unofficial community member to improperly influence the determination for boundaries and demarcation of already established customary use areas, including to redistrict the Forest Lake Chapter boundaries by a wide margin, namely Percy Deal a member of the Hard Rock Chapter.

**THEREFORE be it RESOLVED that:**

1. The Forest Lake Chapter is in agreement with Resource and Development Committee and the proposed Legislation No. 0093-16, and further acknowledge that it is the best plan for range unit improvement and regulation for NPL located within Forest Lake Chapter; and
2. I, Lorene Greyeyes respectfully request that The Forest Lake Chapter hereby approves and acknowledges that Lorene Greyeyes and her family as described herein, may continue and exercise all right conferred for grazing, planting and homes as already established within (5) five by (8) eight mile customary use area within the 303 Purposed Range Unit; and
3. The Forest Lake Chapter hereby requests the Navajo Land Administration Office of the Navajo to exercise all authority delegated to it, to implement a grazing and management plan for 303 Purposed Range Unit, so as be consistent with this resolution without division and new districts of boundaries of the unit.

Respectfully,

*Lorene Greyeyes*

Lorene Greyeyes



① Lorene Greyeyes, March 23, legislation #0093-16 August 10, 2016

The chapter boundary line between Forest Lake Chapter and Hard Rock Chapter has always been, the boundary line begins at ① Maiden Pass, south east going north west across Deninebeto Wash.

① Maiden Pass - Path on top of Ute Ridge

② Shadowed Rocks - Shadowed boulder in one spot

③ 2 miles east of Blue Bird Hill

④ Ends at Salty Plant Point.

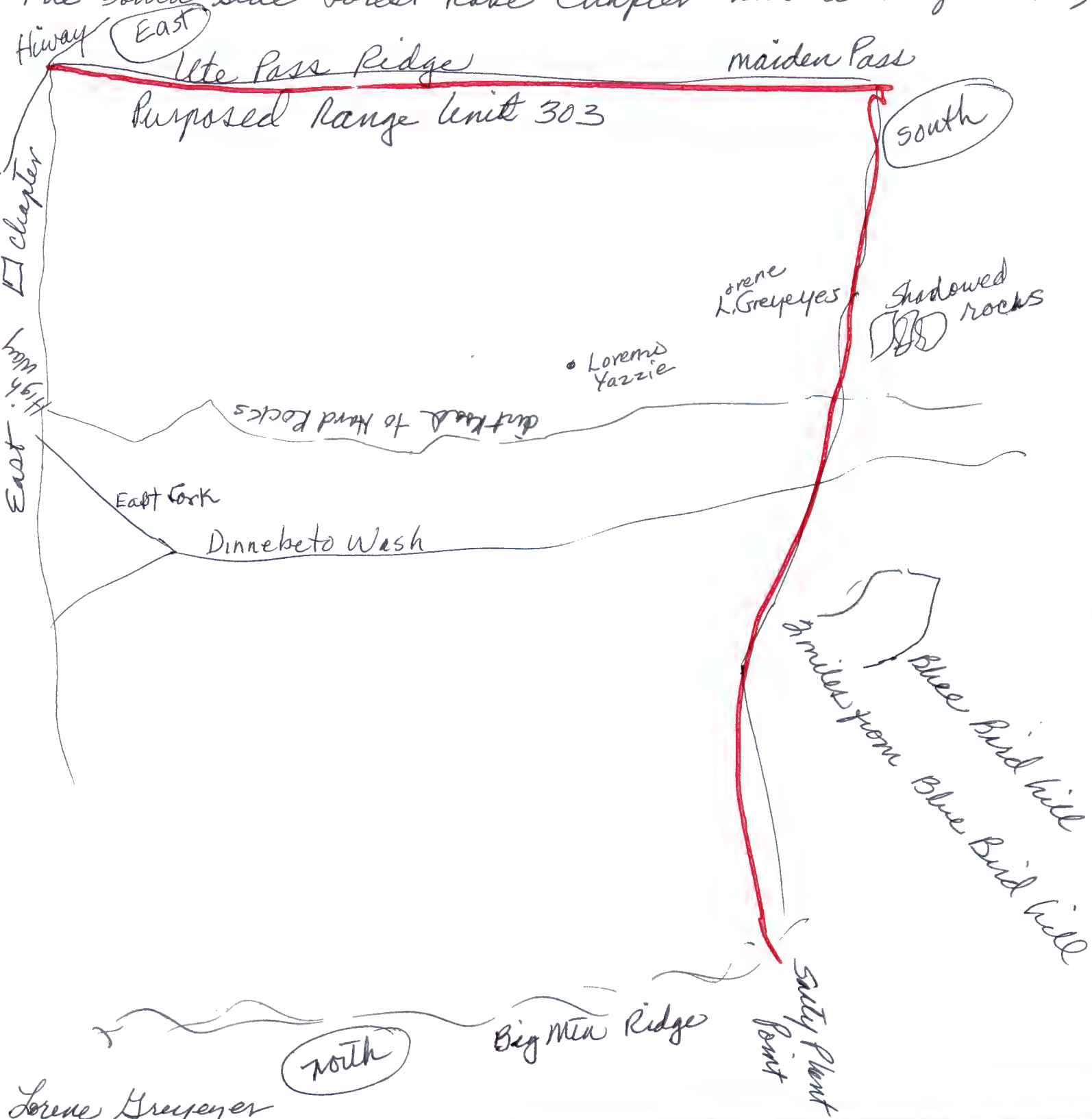
If Rita Benally and Mary Lou Shim claim a portion of our Customary Use Area, They totally block off the rain runs offs toward our grazing area. They have put debris in the washes that runs through our corn field, debris such as rubbish, jars, oil containers, anything that will damage the tractor or its tires.

Please we need some relief, protection and to regain our grazing area.

Rita Benally and Mary Lou Shim are presently continuing interferences with us and our family members by harassing, intimidations. They have abandoned their grazing area<sup>304</sup> and moving on and started constantly using our customary Use Area 303 since 1988.

Lorene Greyeyes

The original Forest Lake chapter boundary on the south side Forest Lake Chapter has always been,



COPY

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
K. J. L. P. R. L.

NOVEMBER 10, 1993

John Nuttall, Chairman  
District 4 Grazing Committee  
The Navajo Nation  
P.O. Box 86510

Notice of Hearing Schedule for November 10, 1993 at 10:00  
A.M. before the District 4 Grazing Committee regarding  
complaint of Rita Benally and Mary L. Shil.

Subject: Request to Vacate Hearing Date, because it violates  
Rules for Land and Grazing Disputes, adopted by the  
Navajo Nation as of January 1982.

Mr. Nuttall

We had the case filed with a copy of the complaint of Rita  
Benally and Mary L. Shil. The hearing is set for November 10, 1993 at 10:00 A.M. by Roy L. Shil.

We request that the hearing date be vacated, because the plaintiff is in violation of the Rules adopted by the Navajo Nation for Master of Land Grazing Disputes.

Pursuant to Rule 11, Section 2.1, the complaint receipt of the Complaint, the Chairman assigns a member of the Grazing Committee to take action provided by the rules. By Rule 2.2, the assigned member serves copies of the Complaint on the person(s) with an interest in the grazing dispute under dispute as provided in the Rules, and gather all documents which will be needed to resolve the dispute, and work with the persons having interest in the matter and attempt to have them resolve the dispute among themselves.

Thereafter, to report to the District Grazing Committee and its Chairman the results of his duties for a 30 day period.

Based on Rule 2.4 and 2.5, the time limit to do the hearing is 30 days.

Based on Rule 2.6, the assigned member doing the hearing can mediate the dispute between the parties, and

... after ... district ...  
...ing ...  
...ing ...

In the ... he pres ... not followed  
by the Chair ... assigned member ...

Furthermore, we have reasons to believe that Roy Parker  
is related to Rita Benally and Mary L. ... by blood, and we  
request that he be disqualified to have that ... dispute  
to participate in its resolution.

See attached a copy of the concerned Rules for Land and  
Razing Disputes, as accepted; listed from Rules 11 through  
219 for your reference.

Please be advised that unless these Rules are properly  
followed by the Chairman and the Committee; we do not legally  
respect the Notice to accept the Complaint, and the Rules of  
Procedure state the Committee has a direct duty to follow  
the Rules, to protect the Civil Rights of the Parties in dispute.

Thereby, we will appear before the Committee on  
November 10, 1992 at 10.00 A.M.

The Committee does not have the authority to rule  
against us regarding the dispute ... violation  
of these Rules ...

In the event the Committee should ... is, knowing  
they are ... the Rules, ... be held  
little for ... and a Complaint ... with  
at Navajo ... Committee ... of  
city.

The only ... thing to do ... cancel the  
... and ... follow the ... and  
....

Your undersigned ... concerns and ... the rules,  
... be appreciated.

Sincerely,

Lorraine ... eyes

Lorraine Greyeyes

John Greyeyes

John Greyeyes

10/10  
10/10  
OSURE



SAMPLE<sup>1</sup>

MEMO

DATE: January 4, 1994

TO: Forest Lake Chapter  
Dan Y. Begay, President  
Roger Silver, Vice-President  
Pinon, AZ 86510

FROM: Lorene Greyeyes  
Lorenzo Yazzie  
P.O. Box  
Kayenta, AZ 86033

SUBJ: Proposal

We have an ongoing Land and Grazing Dispute with Rita Benally, Lolita Boye, Tom L. Lizardi, Mary Slim, and Perry Kescoli, for the past 11 years.

The dispute was resolved June 22, 1982; Rita Benally and family refused to respect and acknowledge the decision and recommendations of the District 4 Grazing Committee.

Rita Benally, has fabricated stories and actions to provoke, and continue the land dispute.

Rita, also, has been putting every effort forward to interfere with our family members by falsely accusing them; driving her livestock onto our grazing area or near our establishments (homes, cornfield), cutting barbed wires damaging our properties, setting fire to firewoods, cornfield and fence posts.

Rita, has been informing Grazing Officials, Navajo Police, community people of her intention for authorities to act against us, in her favor. Such as ;

- 1) Reporting to Navajo Police that we had killed one of her cow, and demanded payment. Investigation proved

this to be false;

- 2) During Primary Election, he told voters I, Lorene, had kicked her and they, the voters, should not vote for me;
- 3) Then she approached me at a meeting, in public to cause a scene. She verbally abused me and almost threw a chair at me.

Now, she has hired private individuals to do construction work on our grazing area.

She has requested Forest Lake Chapter to grade our private roads. Her intentions are to have Chapter equipment used to carry out her interference, and has hired sheepherders to graze on our grazing area.

The land and grazing area dispute is claimed by the Greyeyes and Yazie family, and they have been utilized by members of our family for eight (8) generations, since the 1800's; years before Tom Bizardi was born, and before Tom Bizardi's relatives came to work for my great, great, great, great grandmother, Ason Bi'li'la i, ady with Many Lives'ock.

I, we, Lorene, and Lorenzo Yazzie, as a family are concerned with our rights and claims. We put great efforts forward to comply with the Navajo Tribal laws and policies, and Navajo land use and grazing rights. We avoid any violations, or wrongful acts and interferences of other people's rights.

The complaint and claim filed by Rita Benally is in the process of (investigation); I, Lorene Greyeyes have filed an

Answer to the complaint; through the District 4 Grazing Committee, and demand that proper procedures be applied to settle the dispute.

Therefore, I, we, Lorene Greyeye and Renzo Yazzie would like to request the Forest Lake Chapter Officials to discontinue any further use of Chapter equipment or construction work, being carried out in the disputed area; requested by Rita Benally and her family: such as; land leveling, grading roads, building earth dams, constructing hogans, canals, corn fields, shed houses, shade houses, etc., for intentions of disruptions, interferences, damages to cause further dispute between the two families.

If our interest and rights are ignored, we will certainly present these issues to the next administrative level, or to the Navajo Tribal Courts.

Our concerns and interest is to eliminate violations of everyone's rights; discontinue all conducts and aggravations. We would like to maintain what is left of our grazing area; to establish and develop homesites for our family members.

We strongly are in favor and support of our Navajo Tribe's good intentions, objectives, and Regulations on proper land use management.

We would like for our Chapter Officials, and the grazing representatives to observe and recognize our rights, claims and interests to settle this dispute.

We are requesting for assistance in protecting us from encroachment; unduly aggressiveness, greed, hatred, abuse(s),

and harassments.

Rita Benally and complainers have more livestock; more than what their permit requires. Rita Benally is evidently trying to claim and control more acreage; denying our use to graze on our customary use area.

Sincerely,

Lorene Greyeyes  
Lorenzo Vazzie

*Lorenzo Vazzie*  
*Lorene Greyeyes*

LG/es  
File

cc: George Nuttlouis, Chairman  
District 4, Grazing Committee  
Pinon, AZ 86510

Herman Spencer  
Grazing Management Office  
The Navajo Nation  
P.O. Box  
Window Rock, 86515



IN THE FAMILY COURT OF THE NAVAJO NATION

JUDICIAL DISTRICT OF CHINLE, ARIZONA

Lorene Greyeyes,

Petitioner.

NO CH-FC-748-99

vs.

TEMPORARY PROTECTION ORDER  
(WITHOUT NOTICE)

Mary L. Slim.

Respondent.

---

TO: Mary L. Slim  
Canyon De Chelly Hse. #  
Chinle, Arizona

This verified Petition for Domestic Abuse and Motion for Temporary Order came before this Court this 20th day of July, 1999, hereafter referred to as Petitioner(s) having appeared and having given verification concerning the allegations on the Petitioner the Court, finds:

1. That if a temporary restraining order is not issued, it is more likely than not, that the respondent may cause physical injury to the petitioner and may damage the petitioner's property, causing petitioner to fear his/her life and limb, and fear the safety of the petitioner's family, in the immediate future.

2. The injuries may consist of physical attacks on the petitioner which may result in cuts, bruises, lacerations, including on family members, and such injuries to person and property may result in permanent disfigurement and damage beyond repair thereby constituting them to be irreparable. Petitioner's verified statement indicate there are past acts and pattern of domestic violence which occurred.

3. If notice was provided to respondent, he would more likely retaliate and inflict harm or injury before the court were to become effective. The order must therefore be issued without notice to the respondent.

**IT IS THEREFORE ORDERED THAT YOU, Mary L. Slim ARE HEREBY RESTRAINED, ENJOINED AND BARRED:**

A. From disturbing, hindering, or interfering with the peaceful enjoyment of life by the petitioner, including his/her association with friends, relatives and children.

B. From interfering or disturbing the custodial rights of the petitioner. You are not to take the children from the home or school during the pendency of this action.

C. From communicating in any manner or through any third person/agent with the petitioner and children, unless otherwise permitted by this court during the pendency of this action.

**PETITIONER'S COPY**



IN THE FAMILY COURT OF THE NAVAJO NATION  
JUDICIAL DISTRICT OF CHINLE, ARIZONA

John, Greyeyes,

Petitioner.

NO. CH-FC-1320-99

vs.

TEMPORARY PROTECTION ORDER  
(WITHOUT NOTICE)

Tom Peralto,

Respondent.

---

TO: Tom Peralto  
Forest Lake Mutual Help Housing  
Forest Lake, Arizona

This verified Petition for Domestic Abuse and Motion for Temporary Order came before this Court this 1ST day of December, 1999, hereafter referred to as Petitioner(s) having appeared and having given verification concerning the allegations on the Petitioner the Court, finds:

1. That if a temporary restraining order is not issued, it is more likely than not, that the respondent may cause physical injury to the petitioner and may damage the petitioner's property, causing petitioner to fear his/her life and limb, and fear the safety of the petitioner's family, in the immediate future.

2. The injuries may consist of physical attacks on the petitioner which may result in cuts, bruises, lacerations, including on family members, and such injuries to person and property may result in permanent disfigurement and damage beyond repair thereby constituting them to be irreparable. Petitioner's verified statement indicate there are past acts and pattern of domestic violence which occurred.

3. If notice was provided to respondent, he would more likely retaliate and inflict harm or injury before the court were to become effective. The order must therefore be issued without notice to the respondent.

**IT IS THEREFORE ORDERED THAT YOU, Tom Peralto ARE HEREBY RESTRAINED, ENJOINED AND BARRED:**

A. From disturbing, hindering, or interfering with the peaceful enjoyment of life by the petitioner, including his/her association with friends, relatives and children.

B. From interfering or disturbing the custodial rights of the petitioner. You are not to take the children from the home or school during the pendency of this action.

PETITIONER'S COPY

C. From communicating in any manner or through any third person/agent with the petitioner and children, unless otherwise permitted by this court during the pendency of this action.

D. You, Tom Peralto, shall immediately vacate and remain out of the family residence. The premises located at Surrounding area of the Petitioner's residence. You will remain out and away from this home until after further determination at the next scheduled hearing in the Family Court of the Navajo Nation.

E. YOU, Tom Peralto, are also restrained from going to or near the employment site of school site of the petitioner(s) at any other place where petitioner(s) may be doing business for himself/herself and family


F. YOU, Tom Peralto, shall appear before this Court on the 14th day of December, 1999, at the hour of 3:30 P.M. to answer to the petition: at which time the court will determine if a final judgment for Permanent Protection Order is necessary. Any request to this Court will be in written form and filed with this Court by legal counsel or pro se.

H. This Temporary Restraining Order shall remain in full force and effect pending a hearing on the Petition. This Order has been registered with the local Navajo Department of Law Enforcement.

I. FINALLY, YOU, Tom Peralto, if you fail to appear before this Court on the date set forth above, a warrant shall be issued for your arrest, and you shall be apprehended and brought before this Court to answer for your non-appearance and Domestic proceedings.

IF YOU FAIL TO OBEY THIS ORDER, OR ANY FRIENDS, RELATIVES, ASSOCIATES OR AGENT WHO FAILS TO OBEY THIS ORDER, YOU SHALL BE IMMEDIATELY ARRESTED ALONG WITH YOUR ASSOCIATE AND BROUGHT BEFORE THIS COURT FOR VIOLATION OF THIS ORDER. IF YOU VIOLATE THIS ORDER YOU MAY BE ARRESTED AND PROSECUTED FOR THE CRIME OF INTERFERENCE WITH JUDICIAL PROCEEDINGS, WHETHER OR NOT THE RESPONDENT'S ACTION OCCURRED IN THE PRESENCE OF A PEACE OFFICER.

ORDERED this 1ST day of December, 1999.

  
JUDGE, Chinle District Court, Navajo Nation



August 03, 1999

To: Navajo Nation Prosecutor and Judge  
Navajo Tribal District Courts

From: Lorene Greyeyes

Subject: Permanent Protection Order

I am requesting for your utmost evaluation and recommendation to produce and continue granting a permanent protection order, to avoid any further disturbances, hinderances, interferences with the peaceful enjoyment of life, es ablishment of dwellings by the petitioner including associates, friends, relatives, and children or siblings.

For effective desirable legal process and necessary legal support for relief of mental anguish, unwelcomed confrontations of actions to provoke, verbal abuse, threats of destructions of property, intimidation initiated upon us Greyeyes and Yazzie family by the following individuals.

Mary L. SLim  
John Slim  
Rita Benally  
Lolita Boy  
Tom L. Bizardi  
relatives, friends and hired helpers

During 30 years of these actions it has been difficult and intolerable to be approached will ill mannerism, deliberate provoking confrontations and threats for bodily harm, threats for property damage and slanders which leaves us no choice but to request for a Protection Order. Therefore we need protection from encroachment of unduly aggressiveness of greed, hatred, abuse and intimidations

I strongly believe that the respondents are attempting to acquire more acreage unlawfully by using pressure to extend and controll our customary use area

My grandmother Kee Shelton's mother and Hasie Y. Begay, both deceased were the previous permit holders and land users and occupants of the claimed disputed area. They have reassigned the permit #5434 and requested that the permit be transferred to my father Lorenzo Yazzie including the use of the customary use area.

My father Lorenzo Yazzie and my late grandparents have always allowed me to use their customary use area and permit during my entire life.

IN THE FAMILY COURT OF THE NAVAJO NATION  
JUDICIAL DISTRICT OF CHINLE, ARIZONA

John Greyeyes,

CH-FC-1330-99

PETITIONER(S),

V.

DOMESTIC ABUSE  
PROTECTION ORDER

Tom Peralto,

RESPONDENT(S).

The Court, having read the Petition for Domestic Abuse Protection Order, and having determined that Respondent received proper and timely notice of the hearing, heard this matter on the 4th day of January, 2000. The Court finds that Petitioner has proven the allegations of domestic abuse by a preponderance of the evidence.

THEREFORE, THE COURT ORDERS THE FOLLOWING:

- [ X ] 1. Respondent shall not abuse, harass, or threaten the Petitioner and her immediate family members, or commit any other domestic abuse.
- [ X ] 2. Respondent shall stay at least 100 yards away from the following places (DO NOT LIST ANY ADDRESS WHICH WOULD FURTHER ENDANGER THE PETITIONER):
- [ X ] RESIDENCE: \_\_\_\_\_
- [ X ] PLACE OF EMPLOYMENT: Not listed
- [ X ] SCHOOL ATTENDED BY PETITIONER OR PETITIONER'S CHILDREN: Kayenta School District.
- [ X ] OTHER PLACE(S): Public places where Petitioner may be conducting personal business
- [ X ] 3. Respondent shall not contact Petitioner in person, in writing, or by telephone.
- [ X ] 4. Respondent(s) shall not sell, remove, hide, destroy or damage any property owned by Petitioner and his family.
- [ X ] 5. OTHER: This order shall apply only to domestic abuse as defined by the Navajo Nation Domestic Abuse Protection Act and it is not to be construed to mean otherwise. This order is to prevent and protect the parties from any other domestic abuse.

This Order shall be effective for Five (5) year(s) from the date of its entry.

IT IS SO ORDERED AND ADJUDICATED THIS 21st DAY OF January, 2000.

  
JUDGE, Family Court of the Navajo Nation

PETITIONER'S COPY

**COPY**

Lorenzo Yazzie  
Lorene Greveyes  
P.O. Box  
Pinon, AZ 86510

January 10, 2000

Mardel H. Monroe, Grazing Representative  
Wallace Monroe, Chapter Vice President  
P.O. Box  
Pinon, AZ 86510

Dear Sirs:

This letter will serve to notify you that we are taking actions to contact authorities to resolve the land dispute and the abuse from Mary Slim and Rita Benally. As of November 27, 1999 it has escalated into a family gang/domestic violence. So far two incidents have been addressed in the Chinle court. However, with a politically appointed Judge, he exercises with leniency and favoritism. Nothing is being expedited to insure our safety.

We are requesting you to inquire and investigate the land dispute. We are receiving hostile intimations, coercions, harassments, and violence from the following people: Mary Slim, Tom L. Bizardi, and Rita Benally. (See attached copy of the Chinle Police Report and Land Dispute Claim Forms.) We object to being attacked with force and with the violence that are being inflicted upon us.

We also view abusive behavior and language unacceptable. We will not tolerate violence and abuse. We are hopeful that an appointed grazing representative be diligent and unbiased. My family and I have strong interest in our customary use area. Therefore, your efforts and cooperation on this matter are greatly appreciated.

Sincerely,

*Lorene Greveyes*  
Lorene Greveyes

LG/ks  
file

cc: Mardel Haskie, Grazing Representative  
Wallace Monroe, Chapter Vice President  
District Four Grazing Committee  
Forest Lake Chapter  
Casey Begay, Grazing Management Office

**DISTRICT GRAZING COMMITTEE**  
Navajo Nation Department of Agriculture

DISTRICT: 4

**COMPLAINT FORM**

Date: January 18, 2000

Complainant's Name: Lorenzo Yazzie  
Lorene Greyeyes

Address : P. O. Box

City/Zip Code : Pinon, Arizona 86510

Telephone No. : \_\_\_\_\_

**Documents Required:**

- \* Copy of Grazing/Land Use Permit
- \* Current Livestock Inventory (tally sheet)
- \* Map

1. Describe in detail the grazing area or land involved. Please provide a map of the area.

The grazing area is located 9 miles south of Forest Lake Chapter.  
Also located in the proposed 303 range unit, and adjacent to,  
or along side west of Ute Pass ridge.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. State what rights/claims you have to the grazing area or land involved?

As claimants, we had continuous use of the property for a period  
of time. The customary use area has been in my family for nine

generations. My father Lorenzo Yazzie, borned and raised on the

CUA has been officially authorized and have been appointed

by his late parents to continue/acquire the legal rights, power and  
capacity to exercise/perform, to utilize the permit and grazing  
capacity. (Permit No.

my maternal grandmothers were borned and raised on  
the area we claim as our customary use area.



3. List names, address, telephone numbers and grazing permit numbers of permittees who has or may have a right to claim within the general vicinity to grazing/land involved.

Lorenzo Yazzie	Frances Yazzie	Madeline Yazzie
Lorene Greyeyes	Paul Yazzie	Jeff Greyeyes
Ramona Nalwood	Frank Yazzie	Kathy Greyeyes
Edison Yazzie	Curtis Yazzie	Nelton Nalwood
Leo Yazzie	Yvonne Yazzie	Myra Nalwood

4. State the approximate distances/directions, name of nearest chapter house, trading post, or other public businesses where the land or area is located:

Forest Lake Chapter 9 miles south of F/L chapter house.

Black Mesa Mine 21 miles south east of Peabody coal Mine.

Pinon Chapter/School 26 miles west of Pinon, Arizona.

5. List the names, addresses and telephone number of two individuals who are aware of your case and may serve as witnesses when called upon:

Ella Benally P.O. Box Pinon, Arizona 86510

Frank Yazzie P.O.Box Pinon, Arizona

John Greyeyes P. O. Box Pinon, Arizona 86510

6. How do you want the Grazing Committee to address this case?

Rita Benally and Mary L. Slim have an original customary grazing area in the proposed 306 range unit located on the east side of the Ute Pass, also located south of Navajo Route 41 and within west side of Oraibi Wash. They are not utilizing their own customary use area. We would like for the grazing representatives to recommend that they vacate our grazing area and utilize their own CUA to relief us from hostile intimidations, coercions, harassment, confinement, violence/Abuse. The information I have given in this complaint is made in good faith and is true to the best of my knowledge. I have attached copies of my grazing/land use permit, current livestock inventory and a map of the area.

Lorene Greyeyes  
Signature

January 18, 2000  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Note: Return this completed complaint form and the three required documents to your local Grazing Committee Officials.

TO : Mardel Monroe, Grazing Representative  
Wallace Monroe, Chapter Vice President  
P. O. Box  
Pinon, Arizona 86510

FROM : Lorenzo Yazzie, Complainant  
Lorene Greyeyes, Complainant  
P. O. Box  
Pinon, Arizona 86510

SUBJECT : Notification of Land Dispute

DATE : January 18, 2000

This letter will serve to notify you that we are taking actions to contact authorities to resolve the 30 years old land dispute and the abuse from Rita Benally, Mary I. Slim, and other family members.

As of November 27, 1999, the dispute has escalated into a family gang/domestic violence. So far, two recent incidents have been addressed in the Chinle District Court. However; with a politically appointed Judge, he exercises with leniency and partiality. Currently nothing is being expedited to insure our families' safety and security.

Consequently, we are requesting you to inquire and investigate the land dispute. We have been receiving tremendous hostile intimidations, coercions, confinement, harassments, and violence from the above mentioned families. (see attached copies of reports)

We view abusive behavior and language unacceptable, we will not tolerate violence and abuse. Especially, when negative behavior is instigated to demean and control us including our customary use area.

My family and I have a strong interest in our customary use area. We have utilized the area for nine generations and wish to further secure our land for our children(s), relative to graze and have homesite leases.

Your efforts of assistance and cooperation on this matter are greatly appreciated. Thank You.

Sincerely,

*Lorene Greyeyes*  
Lorene Greyeyes

Lorene Greyeyes, Requestee  
P. O. Box  
Kayenta, Arizona 86033

Russell Thomas, Peacemaker Liaison  
P. O. Box  
Chinle, Arizona 86503

Subject: Transfer of Session

Date: January 25, 2000

Mr. Thomas;

This letter is to remind you, that we would like the Peacemaking Session to be scheduled for Friday, April 28, 2000 at 10:00 A.M., at Kayenta District Court, with Mr. Stanley as the mediator.

I'm sure we can work out this adjustment, if the delay is simply an oversight; will you please take care of the arrangement at once. It is only appropriate and acceptable since Mary Slim has associates in the Chinle District Court.

Obviously, we want to clear up this problem with your help. we appreciate your cooperation and assistance. Thank You.

Sincerely,

  
Lorene Greyeyes

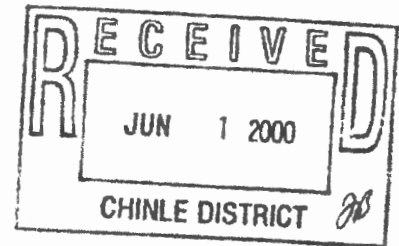
xc: Chester Stanley, Liaison  
Robert Yazzie, Chief Justice  
Stephanie Baldwin, Social Service

To : Alfred Guy, Customer Service Rep.  
NTUA, Chinle District

From : Mary L. Slim

Date : June 01, 2000

Subject : Land Dispute



This letter is a complaint letter to have the Navajo Tribal Utility Authority to stop any electrical services to the family of Lorene Greyeyes and Lorenzo Yazzie at the location of the proposed 303 range unit, and adjacent to the west side of the Ute Pass Ridge. The reason is because we, Mary L. Slim, my sister Rita B. Benally and my brother Tom L. Bizardi are having a land dispute with John and Lorene Greyeyes, and along with her father Lorenzo Yazzie.

We would like for the dispute to be settle before any power services are approved for Lorene Greyeyes. Ms. Greyeyes has had letters to the NTUA, Kayenta District to have power service for her propose homesite. We believe the land dispute issues need to be resolve between the two families for any futher assistance.

Your assistance and consideration to this matter will be greatly appreciated. Thank You.

Sincerely,

*Mary L. Slim*

Mary L. Slim

7 mi. S.W. OF FOREST LAKE CHAPTER

HARD ROCK ROAD

FOREST LAKE WEST - SCATTERED PROJECT

capital improvement Ph # 871-  
7A



=====

September 26, 2000

Rubianne Dugi  
Customer Service  
Tuba City Sub-office  
Navajo Tribal Utility Authority  
P.O. Box #  
Tuba City, Arizona 86045-0398

RE: Forest Lake Southwest Power Line Project.

Dear Ms. Dugi;


I am writing this letter to inform you, that the Dispute area is about a garden plot which is far away from the main trunk line. So as for the Forest Lake Chapter Officials, we still need that Powerline to go through and serve the rest of the communities.

The two main persons (Rita Benally and Lorenzo Yazzie) have a valid grazing permit, who should be the ones to be talking, but the other two persons (Mary Lou Slims and Lorene Greyeyes) that are disputing and don't have a valid Grazing permit.

It tooks us over 15 years to get this grant requirement and implementation process, so as responsibilities of us Chapter Officials, we want this project to be completed as scheduled.

A favorable response to our request is genuinely appreciated and should you have any questions please call (520) 67703252. Thank you

  
Mardel Monroe  
Grazing Official  
Forest Lake Chapter

  
Wallace Monroe  
Chapter Vice-president  
Forest Lake Chapter

XC: Alfred L. Guy, Customer Relations, NTUA, Chinle, AZ  
Ethelind A. Johns-Segay, Project Coordinator, NTUA, Ft. Defiance, AZ  
file



**THE  
NAVAJO  
NATION**

KELSEY A. BEGAYE  
PRESIDENT

TAYLOR MCKENZIE, M.D.  
VICE PRESIDENT

**MEMORANDUM:**

TO : Roy James, Grazing Committee  
District# 4 Forest Lake Chapter

FROM : Casey Begay  
Casey Begay Program Director  
Grazing Management Program

DATE : February 9, 2001

SUBJECT : Land Dispute re: Lorenzo Yazzie vs Rita Benally

Grazing Management Program is in receipt of your information regarding the aforementioned disputing individuals.

Grazing Management will initiate further action but if we have any questions, we will contact you.

However, we will be communicating to you any correspondence regarding the disputing parties.

C - Rita Benally, Complainant  
Lorenzo Yazzie, Complainant  
File

IN THE FAMILY COURT OF THE NAVAJO NATION  
JUDICIAL DISTRICT OF KAYENTA, ARIZONA

John + Lorene Greyeyes s

No. KY-FC- 01 (DV)

Date of Birth

Petitioner.

vs.

Rita Benally

PETITION FOR DOMESTIC ABUSE  
PROTECTION ORDER AND  
MOTION FOR TEMPORARY  
PROTECTION ORDER

Date of Birth

Respondent.

PETITION FOR DOMESTIC ABUSE PROTECTION ORDER

I, John + Lorene Greyeyes ☒ am ☐ am not an enrolled member of the Navajo Nation residing within the exterior boundaries of the Navajo Nation. I request that the Court grant a Domestic Abuse Protection Order based on the following allegation

INFORMATION ABOUT THE RESPONDENT (the person I am filing against)

The Respondent, Rita Benally Kescoli is

- ☐ my husband OR ☐ my wife ☐ my ex-husband OR ☐ my ex-wife  
☐ a family member ☐ a parent of my child(ren) ☐ a household member or ☐ former household member  
☐ a person with whom I have had a continuing personal relationship, describe the relationship: \_\_\_\_\_

a community member

The Respondent lives at the address

Forest Lake Chapter

The Respondent has the following weapons: \_\_\_\_\_

CHILDREN

List your or the Respondent's minor children.

	Name	Date of Birth	Our	Respondent	Where does child currently live?
1.					
2.					
3.					
4.					
5.					

Does anyone else have physical custody or claims to have custody or visitation rights? ☐ Yes ☐ No

If yes, list person claiming rights and which child \_\_\_\_\_

## OTHER CASES

The Respondent and I ☐ have ☒ have not been involved in other court cases:

- a) There ☐ is ☒ is not a divorce case between me and the Respondent. 's it pending? ☐ Yes ☐ No
- b) Does a Navajo Nation court or a court order in another state has set conditions of child custody for any or all of the children listed above. ☐ Yes ☐ No
- c) Have you ever filed a Temporary Domestic Abuse Protection Order against the Respondent? ☐ Yes ☐ No
- If yes, where is/are the other case(s) filed: \_\_\_\_\_
- When filed? \_\_\_\_\_ Docket Number if known: \_\_\_\_\_
- Did you vacate or drop the order? ☐ Yes ☒ No
- Did the person you are filing against ever violate the Temporary and/or Permanent Protection Order that you know of? ☐ Yes ☐ No If yes, did you call the police? ☐ Yes ☐ No

## DOMESTIC ABUSE

The Respondent committed an act of domestic abuse against me or a member of my household on (date) 06/21/88 11/27/99 and 11/09/01 (time) 1:00 pm, (location) Forest Lake and Forest Lake Chapter

Briefly tell what happened **physical abuse** (slapping, shoving, hitting, biting, etc.) assault  
She raised a chair at me after a meeting  
like she was going to hit me with the chair.

She banged on my truck window on both sides  
Yelling at me to get out of my truck.

**Threats** (verbal, written or telephone threats which caused you to fear that you would be injured)

My children are mean, get the hell out of the  
truck. She organized her family members  
to attack us 11/27/99 (Coercion, Confinement)

**Other abuse** (damage to your property, threatened harm to your children, stalking harassment) slander

False, malicious statements to damage  
our reputation and lose our chance of  
getting power line to our home, denying us to use  
our land without being afraid.

Has there been prior abuse? ☒ Yes ☐ No If so, how long? 32 years/months

When the Respondent abused you, had he/she been ☐ drinking or ☐ using drugs?

Other persons present during the abuse Anita Yazzie

Were weapons used during the abuse? ☐ Yes ☐ No If so, what \_\_\_\_\_

Repeated  
emotional  
abuse  
harassment



### MOTION FOR TEMPORARY PROTECTION ORDER

I need a Temporary Protection Order because I fear that Respondent is notified of this action. Respondent will retaliate by inflicting further injury on me before an appropriate protection order can be issued by this Court. I REQUEST THE COURT TO MAKE THE FOLLOWING ORDERS (Check all which apply)

- ☒ a. The Respondent shall not contact me, abuse me and he/she is ordered to stay at least 100 yards from my residence and place of employment or school
- ☒ b. The Respondent shall immediately leave my residence, which I have a right to. If the Respondent not evicted, I may suffer great injury.
- ☒ c. The Respondent shall not sell, remove, pawn, hide, destroy or damage any property owned by me or the two of us jointly.
- ☐ d. Award me temporary possession of our vehicle, (list make/model \_\_\_\_\_) Which I have a right to. Without this car/truck, I may suffer great injury
- ☐ e. I be given temporary custody of our children and that the Respondent (☐ have no ☐ have) contact with them until a Court hearing.
- ☐ f. The Respondent shall pay support for ☐ our children, ☐ support for me.
- ☒ g. The Respondent to compensate me for the damage/medical bills he/she caused during the abuse (restitution Travel fuel, food to report to authorities)
- ☐ h. Other relief that is necessary to resolve this domestic violence problem. (list) To stop denying us powerline, land use, to stop making false + malicious statements to damage our reputation

### ADDITIONAL INFORMATION

☐ We will need an interpreter in Navajo to translate at hearing for ☐ me ☒ the Respondent.

Referral was made by: ☒ Self ☐ Police Dept. ☐ Prosecutor's Office ☐ Clinic ☐ Shelter Home ☐ Other

PEACEMAKER COURT: I ☐ do ☐ do not want this case sent to the Navajo Peacemaker Court. If not,

state why: Peace maker Court is an e off the hook, where verbal abuse is concern

### VERIFICATION

I have read this PETITION FOR DOMESTIC ABUSE PROTECTION ORDER AND MOTION FOR TEMPORARY PROTECTION ORDER and it is true to the best of my knowledge and belief. I understand that I can be punished both civilly and criminally if this petition is false.

11/16/01  
Date

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Witness Signature

As a general rule, the term real property includes land and development.

We have taken actions to end domestic violence, we have acquired protection order for relief of abuse from one offender. We still need to file/petition on others.

Now we are presenting the basis/cause for the abuse/violence which is clearly Land Dispute.

We have been recieving the following behavior:

1. Hostile intimidations:

1. Police was brought to my home, I was accused of killing Rita Benally's cow and she was demanding payment.
2. I was accused of kicking Rita Benally.
3. I was confronted at my cornfield by Tom L. Bizardi, asking me who was shooting, then threatened to dismantle my cornfield.
4. Rita's threats ( My children powerful)  
Mary Lou's son in law ( If we find you here again me and 50 other guys will tske care of you)
- 5.

Intimidations-to make fearful with threats  
Coercions-the use of force to compel or control  
Compel-to urge/drive with force  
Confinement-to restrict to keep within limits  
Harrasement-to bother and annoy repeatedly

I would like the same full opportunity and privilege to exercise my rights and benefits without illegal interferences by Mary Slim and others, relatives and friends.

The following incidents are a follow.

## Comments to Proposed Legislation No. 0361-16

[DELETE](#)[REPLY](#)[REPLY ALL](#)[FORWARD](#)[mark as unread](#)

Renelda Begay

Tue 10/11/2016 4:55 PM

To: comments;

Cc: lwjtrust@yahoo.com; Raymond Castillo;

The Navajo Department of Agriculture has several comments on this legislation:

1. Page 1 line 14 refers to the exemption of Range Units 601 and 602, this is probably not doable as the Navajo Nation has given lease rights to Peabody Coal and they have not released it back to the nation for grazing or development.
2. Page 1 line 27 refers to the "RDC" as the "Central Grazing Committee"? This is no longer in code. This part of code was amended when the council was decreased from 88 members to 24 members and now RDC is just an oversight not the Central Grazing Committee.
3. Page 2 line 1 refers to "Title 3 section 705" this part of the code is for Big Navajo Code, NPL is in Executive Order which is located in a separate administrative area and therefore retains its own set of laws Title 3 Section 870, 871, 872, 875 (23).
4. Page 2 line 24 states that "chapters also ask that the NN Council allow residents, land users and potential permittees to further discuss the issue of boundaries and grazing permit eligibility requirements." This part of legislation is already included: On April 21, 2016, the 23<sup>rd</sup> Navajo Nation Council passed Legislation No. CAP-26-16 An Action Relating to Resources and Development; NAABIK'IYATI' 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 Land. The Legislation passed with Amendment 1 on page 3, line 9: "Allow Navajo Partitioned Land Chapter 120 days to make proposed alignments for range units thorough (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.

It should also be noted that the chapters have no jurisdiction over NPL grazing range units....Recommendations come from the District Grazing Officials as a committee and then the recommendation is forwarded to the BIA.

This legislation should consider these comments before action is taken.

Submitted by Navajo Department of Agriculture



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0361-16

SPONSOR: Honorable Herman M. Daniels


TITLE: An Action Relating Resources and Development; NAABIK'YATI' 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 Chilchibeto 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 Chilchibeto Chapter Officials Provide A Report To The Navajo Nation Council On These Matters

Posted: October 6, 2016 at 5:10 pm

5 DAY Comment Period Ended: October 11, 2016

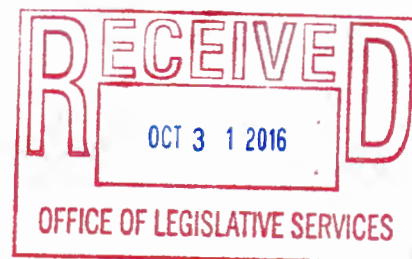
Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>1. Linda Lena Henley 2. Edith Simonson</i>
Inclusive Comments	<i>None</i>

  
\_\_\_\_\_  
Policy Analyst  
Office of Legislative Services  
*11/7/16 8:02am*  
\_\_\_\_\_  
Date/Time

October 29, 2016,

To Whom It May Concern:



Regarding proposed boundary change and Hardrock resolution number: 16-10-001 and Forest Lake resolution number: 16-08-01.

I oppose the resolution passed by Hardrock and Forest Lake as it is proposed by Melvin Bedonie and approved at the Chapter Meeting. The proposed boundary change moves range land which includes land Melvin Bedonie currently lives on in RU305 and moves it into RU303. RU303 then gains approximately 300 acres while RU305 loses this rangeland

I am a resident in 305, and in the vicinity that is in question in resolution 16-10-001 and 16-08-01. At the time permits were canceled the customary users in the area (where Melvin Bedonie now lives) was Horseherder Son #1, Ella Kescoli Deal, and Hastiin Yazhi Bitsie. In the early 1980s three families (Melvin Bedonie, John Leo Begay and Esther Jean Herbert and Melvin's two sons Fabian Bedonie and Ricky Bedonie) took advantage of relocation benefits and moved to the area between what is now Percy Deal residence (Ella Kescoli Deal) and Linda Henley, Lorrain Herder and Edith Simonson (Horseherder Son #1). Melvin Bedonie, John Leo and Esther Jean Herbert all claim to have gotten permission from Ella Kescoli Deal. No one from Horseherder Son #1 family was notified of the relocation. This situation is further complicated in that three families who relocated to the area (Melvin Bedoni, John Leo Begay and Esther Jean Herber), also now graze livestock in the area between what is now Percy Deal residents and Linda Henley, Lorrain Herder and Edith Simonson residents.

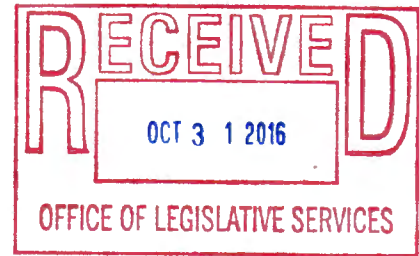
In the matter of moving Melvin Bedonie and his family(s) into RU303, I approve this action only so long as the boundary change includes only the one acre, area of accommodation given through agreement by Navajo Hopi Indian Relocation Office. No more than the one acre, relocation agreement should be included in the new proposed boundary of RU303. This action will minimize the reduction of grazing land and therefore the carrying capacity of RU305. I want to reiterate that I am not a relocation beneficiary. I have not accepted any accommodation provided by the Federal Government. I am an NPL resident, residing in my traditional and historical customary use area and will be considered for a Grazing permit in the upcoming approval and implementation of grazing regulation and permits. The residents Melvin Bedoni, John Leo Begay and Esther Jean Herbert have no authority to advocate on behalf of the carrying capacity of RU305 or RU303. They only have the authority to advocate on behalf of the agreement as signed through the Navajo Hopi Indian Relocation Office and the one acre, accommodation.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. Henley", with a long, sweeping horizontal line extending to the right.

Linda Lena Henley

October 29, 2016,



To Whom It May Concern:

Regarding proposed boundary change and Hardrock resolution number: 16-10-001 and Forest Lake resolution number: 16-08-01.

I oppose the resolution passed by Hardrock and Forest Lake as it is proposed by Melvin Bedonie and approved at the Chapter Meeting. The proposed boundary change moves range land which includes land Melvin Bedonie currently lives on in RU305 and moves it into RU303. RU303 then gains approximately 300 acres while RU305 loses this rangeland

I am a resident in 305, and in the vicinity that is in question in resolution 16-10-001 and 16-08-01. At the time permits were canceled the customary users in the area (where Melvin Bedonie now lives) was Horseherder Son #1 (IPT), Ella Kescoli Deal and Hastiin Yazhi Bitsie. In the early 1980s five families (Melvin Bedonie, John Leo Begay and Esther Jean Herbert, Fabian Bedonie and Ricky Bedonie) took advantage of relocation benefits and moved to the area between what is now Percy Deal residence (Ella Kescoli Deal) and Linda Henley, Lorrain Herder and Edith Simonson (Horseherder Son #1). Melvin Bedonie, John Leo and Esther Jean Herbert all claim to have gotten permission from Ella Kescoli Deal. No one from Horseherder Son #1, family was notified of the relocation. This situation is further complicated in that three families who relocated to the area (Melvin Bedonie, John Leo Begay and Esther Jean Herbert) also now graze livestock in the area between what is now Percy Deal residents and Linda Henley, Lorrain Herder and Edith Simonson residents.

In the matter of moving Melvin Bedonie and his family(s) into RU303, I approve this action only so long as the boundary change includes only the one acre, area of accommodation given through agreement by Navajo Hopi Indian Relocation Office. No more than the one acre, relocation agreement should be included in the new proposed boundary of RU303. The residents have already negotiated their accommodation with the Navajo Hopi Relocation Office. Generally, for HPL residents who move into NPL, the relocation agreement binds the residents to 1 acre home-site lease. Therefore, the resident Melvin Bedonie has no authority to negotiate further on behalf of the RU305 other than his 1 acre home-site.

I am not a relocation beneficiary. I have not accepted any accommodation provided by the Federal Government. I am an NPL resident, and was included in the 1972 enumeration on NPL. I continue to reside in my traditional and historical customary use area and will be considered for a Grazing permit in the upcoming approval and implementation of grazing regulation and permits.

Sincerely,

A handwritten signature in blue ink, which appears to read "Edith Simonson", is written below the word "Sincerely,".

Edith Simonson



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0361-16

SPONSOR: Honorable Herman M. Daniels

**TITLE:** An Action Relating Resources and Development; NAABIK'IIYATI' 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

Posted: October 6, 2016 at 5:10 pm

5 DAY Comment Period Ended: October 11, 2016

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inclusive Comments	<ol style="list-style-type: none"> <li>1. <i>Statement of the Officials of the Chilchinbeto and Kayenta Chapters.</i></li> <li>2. <i>Chilchinbeto Chapter Resolution No. CCH #08-18-2016C</i></li> <li>3. <i>Kayenta Chapter Resolution No. KY16-288-08</i></li> <li>4. <i>Black Mesa (Kits'iili) Chapter Resolution No. BMC-16-09-148</i></li> <li>5. <i>Shonto Chapter Resolution No. SH08-78-16</i></li> <li>6. <i>Western Navajo Agency Council Resolution No. WNA-261-105-16 #:8</i></li> <li>7. <i>Black Mesa Review Board Resolution No. BMRB 08 10 16</i></li> </ol>

  
Policy Analyst  
Office of Legislative Services

12/29/2016 4:45pm  
Date/Time

**JOINT STATEMENT OF THE OFFICIALS OF THE CHILCHINBETO AND KAYENTA CHAPTERS DECLARING THAT THE LAW ENACTED BY RESOLUTION CAP-26-16 BE AMENDED EITHER BY EXEMPTING RANGE UNITS 110, 601, 602, 603, 310, 301, AND 311 FROM THE ESTABLISHMENT OF RANGE UNIT BOUNDARIES OR BY AMENDING THE LAW TO ESTABLISH THAT THE NORTHERN BOUNDARY OF THE NPL RANGE UNITS SHALL BE THE SOUTHERN BOUNDARY OF THE PRESENT GRAZING MANAGEMENT DISTRICTS 8 AND 2**

1. When the Navajo Nation Council approved Resolution CAP-26-16 it instructed chapters and grazing committees to present proposals for changes to the boundaries of the Navajo Partition Lands Range Units; the deadline for proposals, by an extension, was set at December 29, 2016; and
2. Prior to, and after, the approval of CAP-26-16 the Chilchimbeto, Kayenta, Shonto and Black Mesa chapters enacted resolutions objecting to and opposing the law. Additionally, the Black Mesa Review Board, after consultation with Black Mesa United, also objected and opposed the law. The resolutions of the local governments are attached hereto and incorporated herein; and
3. After all of the attached resolutions were enacted, our Council Delegate, the Honorable Herman Daniels, introduced Legislation 0361-16 to amend CAP-26-16 by exempting Range Units 110, 601, 602, 603, 310 and 301 from the establishment of Range Units boundaries and grazing districts and amending IGRJN-110-10 from eligibility criteria for issuance of new NPL grazing permits. Legislation 0361-16 has been processed through the Resources and Development Committee and the Naabik'iyati' Committee and will probably be on the agenda of the Navajo Nation Council's agenda in January, 2017; and
4. The NPL boundaries set by Resolution CAP-26-16 and the eligibility criteria set by IGRJN-110-10 is of serious concern to all the officials of the Chilchimbeto, Kayenta, Shonto and Black Mesa Chapters, including all of the grazing committee members, because of the drastic impact upon the local people who reside along the northern boundary of NPL. The laws that have been enacted will mean that these people will be prohibited from using their traditional customary use areas and will prohibit them from using lands within Grazing Management Districts 8 and 2, contrary to their rights authorized by their grazing permits.
5. Of special concern and objection is the fact that if these laws are not amended, for all intent and purposes, the boundaries of the four Chapters and the Grazing Management Districts 8 and 2 will have been changed without the consent of the Chapters. It is the position of the officials herein that such changes without consultation and consent of the local governments is contrary to traditional and statutory law.
6. Therefore, in furtherance of the official resolutions of the Chapters herein and pursuant to the instructions of such resolutions, the undersigned officials hereby submit this joint statement as the proposals requested by CAP-26-16 and in full support for the approval of Legislation 0361-16.





**JOINT STATEMENT OF THE OFFICIALS OF THE CHILCHINBETO AND KAYENTA CHAPTERS DECLARING THAT THE LAW ENACTED BY RESOLUTION CAP-26-16 BE AMENDED EITHER BY EXEMPTING RANGE UNITS 110, 601, 602, 603, 310, 301, AND 311 FROM THE ESTABLISHMENT OF RANGE UNIT BOUNDARIES OR BY AMENDING THE LAW TO ESTABLISH THAT THE NORTHERN BOUNDARY OF THE NPL RANGE UNITS SHALL BE THE SOUTHERN BOUNDARY OF THE PRESENT GRAZING MANAGEMENT DISTRICTS 8 AND 2**

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# CERTIFICATION

The undersigned officials hereby certify that the foregoing joint statement was fully considered at a duly called meeting at the Kayenta Chapter at which a quorum of the elected officials of the Chilchinbeto and Kayenta Chapters was present and that same was passed by a vote of 7 in favor, 0 opposed and 0 abstained on this day of December 21, 2016.

Motion by: Thomas Bradley Second by Delbert Big

Stanley Olitsa  
Kayenta Chapter President  
Benedict Daniels  
District 8-3 Grazing Officer  
Decm 8-4, 2016  
Delbert Big  
Decm 8-2 Chilchinbeto  
Thomas Bradley  
Chilchinbeto Chapter President  
Robert Buttl  
Rose Joyce  
Marjorie Curley  
Herb Yazzie  
Black Mesa Review Board

# SIGN-IN SHEET

## Dec. 21, 2014 Mtg

1. Stanley Chiteu - President Kuyenta Chapter
2. Thomas Bradley - Chidchimbeto Chapter President
3. BENJEDICT DANIELS - DGCM 8-4 OLIVATO
4. Kenneth Johnson DGCM 8-3 - DENNENHOTO CHPT.
5. DELBERT BIGE DGCM 8-2 Chidchimbeto, Az
6. Ben Lee Edwards & F.B. Kuyenta Az
7. Annaleta Oay Kuyenta Kuyenta
8. Dwight Butler Kuyenta Chapter Sec/Treas. d-b/Chairman
9. Herb Yazzie Black Mesa Review Board
10. Harne Haleday NN-LDA
11. Rex Yazzie Black Mesa resident

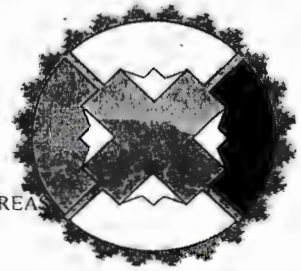


## Chilchinbeto chapter

"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/TREA  
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



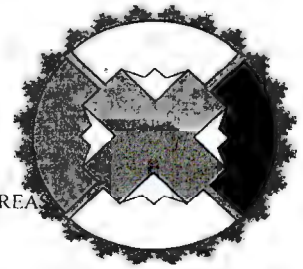


## Chilchinbeto chapter

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Thomas Bradley PRESIDENT • JB Kinlacheeny VICE PRESIDENT • Virginia White SEC/TREA  
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"

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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/TREA  
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



KY16-288-08

**RESOLUTION OF THE KAYENTA CHAPTER**

**Proposing Changes to the Alignment of Range Units Within Navajo Partitioned Lands; 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, Permittees, the Kayenta Chapter and Chilchinbeto Chapter be Allowed to Locally Discuss and Agree to the Use of Lands within these Range Units**

**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. 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
3. Kayenta 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 District #8. Kayenta Chapter is also informed that there are at least 23 grazing permits within District #8 which were cancelled because the residents lived within NPL; and
4. On April 20, 2016, one day before the NNC approved Resolution CAP-26-16, the Kayenta Chapter by its Resolution No. KY16-266-04 strongly opposed the efforts of the Navajo Nation, the Navajo Nation Council and the Bureau of Indian Affairs to inflict new 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 A and is hereby incorporated herein. The Kayenta Chapter further recommended 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
5. Thus far, and despite our opposition, protestations and recommendations expressed at meetings by our residents with the Resources and Development Committee, the Navajo Nation President and Vice President, the Director of the Division of Natural Resources and in our resolution, the Kayenta Chapter has 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. Now, the Navajo Nation Council, after having "approved" range unit boundaries, issues instruction in Resolution CAP-26-16 to NPL chapters to propose changes to the alignments of the range units; and

6. In response to Resolution CAP-26-16, firstly, the Kayenta 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. Secondly, it is the position of the Kayenta 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.

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

The Kayenta 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 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 Chilchibeto 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 Kayenta Chapter at which a quorum was present and that same was passed by a vote of 36 in favor, 0 opposed and 04 abstained, this 17<sup>th</sup> day of August, 2016.

Motion: Ber Edwards

Second: Rose Yazzie

Chapter President Stanley Clitso

Stanley Clitso, Kayenta Chapter 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 wished<sup>s</sup> 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 Clitsco, Kayenta Chapter President



# Black Mesa (Kits'iili) Chapter

P.O. Box 189 • Pinon, AZ 86510

(928) 675-0009

## RESOLUTION OF THE BLACK MESA (Kits'iili) CHAPTER

BMC-16-09-148

Requesting the Navajo Nation Council to Re-evaluate the Implementation of Resolution CAP-26-16 Which Mandated NPL Chapters to Present Alignment of Range Units. Resolution CAP-26-16 is Void on Impact on People Living in the Areas of NPL Boundary. The Eventual Implementation of CAP-16-09 Should be Deferred Until Appropriate Plan is Clarified or Developed that Focuses on the Concerns of the People Whose Customary Grazing Lands Will be Divided by NPL Boundary Pursuant to CAP-26-16

Whereas 1: The Black Mesa Chapter is authorized to advocate, advance, obtain and retain program assistance for the welfare of its community members and to represent their concerns when certain activities or laws that may impact them; and

Whereas 2: The Black Mesa Chapter in collaboration with Grazing Permit holders endeavored to fully comply with the instructions of Resolution CAP-26-16 in finalizing the alignment of range units within the Chapter's administrative area. During the course of working with the grazing permit holders on the said alignments, a genuine concern emerged regarding the probable harmful impact on the people living in the areas along the NPL boundary. Unfortunately, this sector of impact might have been inadvertently overlooked or perhaps deliberately disregarded by CAP-26-16; and

Whereas 3: The foremost worries of the people living along the NPL boundary pertains to the planned division of their customary grazing lands. Such division will result in unjustly taking away their customary grazing lands and thereby their livelihoods. The affected land users have requested the Black Mesa Chapter to alert and inform the Navajo Nation leaders and Bureau of Indian Affairs that their concerns be recognized by making appropriate amendments or changes before finalizing the implementation of CAP-26-16. It behooves our leaders to ensure that legitimate concerns of the people living along NPL boundary be afforded proper rectifications as a respect for their rights.

### NOW, THEREFORE, BE IT RESOLVED:

1. The Black Mesa Chapter hereby with all due respect requests the Navajo Nation Council to defer finalizing the intent of Resolution CAP-26-16 until the concerns of Dine' people living along the Boundary are properly resolved. The solution is conveniently available through K', K' the indispensable intrinsic to Dine' traditional laws, the Dine' people cherish and pray the leaders of the people will uphold, defend and observe these laws.

---

Larry Biltah  
Chapter President

Caroline Beinore  
Chapter Vice-President

Marlene Biltah  
Chapter Secretary/ Treasurer

Francis Honie  
Grazing Committee Member

Dwight Witherspoon  
Council Delegate

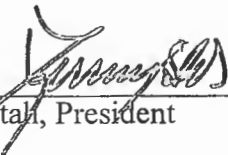
**RESOLUTION NO. BMC-16-09-148**

**CERTIFICATION**

We hereby certify that the foregoing resolution was fully considered by the Black Mesa Chapter at a duly called meeting at Black Mesa, Arizona at which a quorum was present and that same was passed by a vote of 15 in favor, 00 opposed, and 05 abstained, on this 16<sup>th</sup> day of September, 2016.

Motioned by: Jimmy Yellowhair

Seconded by: Dorothy Yazzie

  
\_\_\_\_\_  
Larry Biltah, President

  
\_\_\_\_\_  
Caroline Bemore, Vice President

  
\_\_\_\_\_  
Marlene Biltah, Secretary/Treasurer

\_\_\_\_\_  
Dwight Witherspoon, Council Delegate



*President*  
**ELIZABETH WHITETHORNE-BENALLY**

*Vice-President*  
**STANLEY YAZZIE**

*Secretary / Treasurer*  
**FREIDA LAUGHTER**

*Grazing Representative*  
**FRANK LAUGHTER**

*Council Delegate*  
**HERMAN DANIELS, JR.**

## RESOLUTION OF THE



## SHONTO CHAPTER THE NAVAJO NATION

*East Representative*  
**ALTHEA L. JAMES**

*South Representative*  
**ANNA M. SULLIVAN**

*West Representative*  
**ROYD LEE**

*North Representative*  
**PAUL TODACHEENE**

*Manager*  
**ROBERT K. BLACK, JR**

**SH08-78-16**

**Opposing Proposed Resolution No.0034-16 and proposed Resolution No.0093-16 and Urging the Amendment of both Resolution 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 to Shonto 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 NPL Boundary.**

### **WHEREAS:**

1. Pursuant to Title 26 of the Navajo Nation Code the Shonto Chapter, as certified chapter, is vested with the authority and responsibility to address the concerns of its members: and

2. The Legislation Branch and the Natural Resource 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 Land upon Black Mesa. There are currently two proposed resolutions being proceed in this effort:

3. Proposed Resolution No. 0034-16 which would establish "eligibility requirements to qualify for issuance of a grazing permit on the Navajo Partitioned Land"; sponsored by Council Delegate Alton Shepherd and

- a. Proposed Resolution No. 0093-16 for "adopting and confirming the range unit boundaries and Grazing Districts Established by the Bureau Indian Affairs for the Navajo Partitioned Lands"; sponsored by Council Delegate Alton Shepherd.
- b. The Shonto 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 those resolution; and

4. The Northern boundary of NPL lies within the Shonto Chapter and is within Grazing District No.2. There are families living along this northern boundary who have informed the Chapter that they and their livelihood will be adversely impacted by the enactment of the proposal laws and regulations. The harm that will come to these Shonto 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 boundaries. 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.2 which was originally issued in 1940:s. long before the partitioning of the 1882 Joint Use Area. The use of grazing permits upon land south of the NPL boundary has long been recognized. The Shonto Chapter finds that there is no question that these families have customary use right to land south of the NPL 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

5. The Shonto Chapter also notes that many of these families have suffered. And continue to suffer, that 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 families had to move their homes and their livestock from use areas south of NPL to north boundary. All the families along the northern boundary of NPL also suffer daily pollution of the mining operations, 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

6. 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 Resource Committee. "It is truly tragic that our own Navajo government would not make the effort to consider the customary use rights of the 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 Shonto 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 government is beginning to treat us in the same inhumane way that others have. The Shonto Chapter must object to this effort; the chapter will not condone such treatment of our people.

**NOW THEREFORE BE IT RESOLVED;**

1. The Shonto Chapter hereby objects and opposes the consideration and approval of proposed Resolution No.0034-16 and Proposal Resolution No.0093-16 in their present form; and
2. The Shonto 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 Shonto 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 Shonto Chapter, the Council Delegate representing the Shonto Chapter, the grazing official for the Shonto Chapter, the District 2 Grazing Committee and the representative of the Shonto 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**

I hereby certify that the foregoing resolution was discussed at a duly called Council of Nat'aa Special meeting of the Shonto Community Governance (Chapter) at which a quorum was present and that same was passed by a vote of 05 in favor, 00 opposed and 01 abstained, this 23<sup>rd</sup> day of August 2016.

Motion: Stanley Yazzie

Second: Paul Todacheenie

CONCURRENCE:

  
Elizabeth Whitethorne-Benally, President  
Shonto Community Governance





# WESTERN NAVAJO AGENCY COUNCIL

Stanley Yazzie  
President

Isabelle Walker  
Vice-President

Louise Kerley  
Secretary



## RESOLUTION OF THE WESTERN NAVAJO AGENCY

Opposing the Implementation of the New Law Enacted by Resolution CAP-26-16; Proposing Changes to the Alignment of Range Units Within Navajo Partitioned Lands; Strongly Recommending that Range Units 110, 601, 602, 603, 310 and 301 be Exempted from the New Laws and Regulations for Use of Navajo Partitioned Lands; Strongly Recommending that Residents, Permittees, Chilchinbeto Chapters, Kayenta Chapter, Shonto Chapter and Forest Lake Chapter be Allowed to Locally Discuss and Agree to the Use of Lands within these Range Units.

Resolution No. WNA-261-105-16 #8

### WHEREAS:

1. The Western Navajo Agency Council is a consortium of duly elected Chapter Officials of eighteen (18) certified Navajo Nation Chapters that advocate, promote and support common goals and interests of the respective Chapters; and
2. The Western Navajo Agency Council is comprised of elected officials from eighteen(18) Navajo Nation Chapters in the Western Navajo Agency and has the responsibility and authority to address matters and projects that will benefit the 18 chapters of the Western Navajo Agency of the Navajo Nation; and
3. The Western Navajo Agency Council a recognized certified local government of the Navajo Nation, vested with the power and authority to advocate an behalf of its constituents for the improvement of health, education, safety and general welfare; and
4. On April 20, 2016 the Navajo Nation Council by Resolution CAP-26-16 enacted a law establishing boundaries for new Range Units within the Navajo Partitioned Lands (NPL). The Chapters in the Western Agency learned that its members who lived along the northern boundary of NPL and who either had long established customary use of lands north and south of the NPL boundary or had grazing permits for use of lands in Grazing Districts which overlap the northern boundary or whose grazing permits were cancelled because they lived within the NPL during the litigation of the Navajo Hopi Land Dispute would all be prohibited from continuing to use lands on both the south and north side of the NPL boundary; and

Birdsprings ~ Bodaway/Gap ~ Cameron ~ Chilchinbeto ~ Coalmine ~ Coppermine ~ Dennehotso ~ Kaibeto ~  
Kayenta ~  
Chee ~ Leupp ~ Navajo Mountain ~ Oljato ~ Shonto ~ Tolani Lake ~ To Naneesdizi ~ Tonalea ~ Ts'ah Bii'  
Kin



# WESTERN NAVAJO AGENCY COUNCIL

Stanley Yazzie  
President

Isabelle Walker  
Vice-President

Louise Kerley  
Secretary



5. The Chapter of Kayenta (Resolution KY16-266-04 and KY16-288-08), Chilchinbeto (Resolution CCH#08-18-2016C), Shonto (Resolution \_\_\_\_\_), and Forest Lake (Resolution \_\_\_\_\_) have enacted contrary to and in violation of the Navajo traditional law of customary use rights, the statutory law and regulations regulating grazing permits and the statutory laws as to Local Governance and must not imposed on its members. All of these Chapters have further expressed their position that this law was enacted without adequate consultation with the Chapters and its members; and
6. The Western Navajo Agency Council fully supports and agree with all the reasons of these Chapters in their opposition to the implementation of the new law. The Western Navajo Agency Council emphasizes its position that use of lands is, first and foremost, a matter of local governance. Without prior and proper adequate consultation and consent, the central Navajo government, the Navajo Nation Council and the Bureau of Indian Affairs has no authority to unilaterally and arbitrarily enact laws and regulations which will negatively impact the traditional and statutory rights of the local people to use lands they were blessed with. Furthermore, the Western Navajo Agency Council questions why the Navajo Nation would allow the continued use of the boundaries of the 1882 Executive Order reservation in its new plans to regulate grazing boundaries which have caused so much anguish and suffering of the Navajo People resulting in relocation of hundreds of our relatives. What is referred to as Navajo Partitioned Lands is, and has always been Navajo lands and should be treated as such without reference to lines in the sand which were not consented to by the Navajo People.

## NOW THEREFORE BE IT RESOLVED THAT:

1. The Western Navajo Agency Council Opposing the Implementation of the New Law Enacted by Resolution CAP-26-16.
2. Furthermore, the Western Navajo Agency Council, 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:
  - Exempt Range Units 110, 601, 602, 603, 310 and 301 from the current effort/program to establish new laws and regulations for use of Navajo Partitioned Lands; and
  - Chilchinbeto Chapters, Kayenta Chapter, Shonto Chapter and Forest Lake 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, 310 and 301) 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

Birdsprings ~ Bodaway/Gap ~ Cameron ~ Chilchinbeto ~ Coalmine ~ Coppermine ~ Dennehotso ~ Kaibeto ~  
 Kayenta ~  
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 Kin





# WESTERN NAVAJO AGENCY COUNCIL

Stanley Yazzie  
President

Isabelle Walker  
Vice-President

Louise Kerley  
Secretary



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 properly presented at a duly called Western Navajo Agency Council Session at **Shonto Chapter, Shonto, Arizona** where a quorum was presented and passed with a vote of 25 In Favor; 0 Opposed; and 0 Abstained on this 17th day of September 2016. (lost)

Motion: Stanley Clitso Second: Perry Slim.

\_\_\_\_\_  
Stanley Yazzie, President

  
\_\_\_\_\_  
Louise Kerley, Secretary

Birdsprings ~ Bodaway/Gap ~ Cameron ~ Chilchinbeto ~ Coalmine ~ Coppermine ~ Dennehotso ~ Kaibeto ~  
Chee ~ Leupp ~ Navajo Mountain ~ Oljato ~ Shonto ~ Tolani Lake ~ To Naneesdizi ~ Tonalea ~ Ts'ah Bii'  
Kayenta ~ Kin

**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 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.

**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

# EXHIBIT A

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 Partitoned 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 Clitsco, Kayenta Chapter President

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

**SECOND YEAR 2016**

**COMMITTEE REPORT**

Mr. Speaker,

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

**Legislation # 0361-16:** An Action Relating Resources and Development, Naabik'Iyati Committees and 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. *Sponsor: Honorable Herman Daniels, Jr.*

Has had it under consideration and report the same with a **DO NOT PASS** no amendments

And thereafter referred to Naabik'Iyati' Committee with the following directive: Legislative Counsel to properly research the citation cited in the legislations to ensure they are properly applied to the NPL grazing districts.

Respectfully submitted,



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

Date: October 25, 2016  
Main Motion: Honorable Leonard Pete  
Second: Honorable Walter Phelps  
Vote: 0-5-1 (CNV)



**23<sup>rd</sup> NAVAJO NATION COUNCIL  
NAABIK'ÍYÁTI' COMMITTEE REPORT  
Second Year 2016**

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

**NAVAJO LEGISLATIVE BILL #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

*Sponsored by: Honorable Herman M. Daniels*

*Co-Sponsored by: Honorable Otto Tso*

Has had it under consideration and reports the same **PASSED AND REFERRED TO THE NAVAJO NATION COUNCIL**

Respectfully Submitted,



*Honorable LoRenzo Bates, Chairman  
NAABIK'ÍYÁTI' COMMITTEE*

**10 NOVEMBER 2016**

**MAIN MOTION:**

*Motioned by: Honorable Peterson B. Yazzie*

*Seconded by: Honorable Leonard Pete*

*Vote: 09 in Favor, 07 Opposed (Chairman Bates not voting)*

# 23rd Navajo Nation Council

## Naabik'iyati' Committee

DATE: Nov. 10, 2016

Legislation 361-16 (Main Motion)

Motion: PYAZZIE

Second: Pete

### ALL DELEGATES:

	Yea	Nay
BATES, LoRenzo		
BEGAY, Kee Allen Jr.		
BEGAY, Norman M.	✓	
BEGAYE, Nelson	✓	
BENNETT, Benjamin L.		✓
BROWN, Nathaniel	✓	
CHEE, Tom T.	✓	
CROTTY, Amber K.		
DAMON, Seth		✓
DANIELS, Herman		
FILFRED, Davis		
HALE, Jonathan L.		
JACK, Lee Sr.	✓	
PERRY, Jonathan		✓
PETE, Leonard H.	✓	
PHELPS, Walter		✓
SHEPHERD, Alton Joe		
SLIM, Tuchoney Jr.		✓
SMITH, Raymond Jr.		✓
TSO, Otto	✓	
TSOSIE, Leonard		✓
WITHERSPOON, Dwight	✓	
YAZZIE, Edmund		
YAZZIE, Peterson	✓	

9 7

### BY COMMITTEE:

	Yea	Nay	TOTAL
<b>BFC:</b>			
CHEE, Tom T.			
DAMON, Seth			
JACK, Lee Sr.			
SLIM, Tuchoney Jr.			
WITHERSPOON, Dwight			
TSOSIE, Leonard			
<b>HEHSC:</b>			
BEGAY, Norman M.			
BEGAYE, Nelson			
BROWN, Nathaniel			
CROTTY, Amber K.			
HALE, Jonathan L.			
YAZZIE, Peterson			
<b>LOC:</b>			
BEGAY, Kee Allen Jr.			
DANIELS, Herman			
SMITH, Raymond Jr.			
TSO, Otto			
YAZZIE, Edmund			
<b>RDC:</b>			
BENNETT, Benjamin L.			
FILFRED, Davis			
PERRY, Leonard			
PETE, Leonard H.			
PHELPS, Walter			
SHEPHERD, Alton Joe			
<b>SPEAKER:</b>			
BATES, LoRenzo			
(Votes only in a tie)			

GRAND TOTAL

CERTIFICATION:

Honorable LoRenzo Bates  
Speaker

# **23<sup>rd</sup> NAVAJO NATION COUNCIL COMMITTEE REPORT Third Year 2017**

The **NAVAJO NATION COUNCIL** to whom has been assigned:

## **NAVAJO NATION LEGISLATION #0361-16**

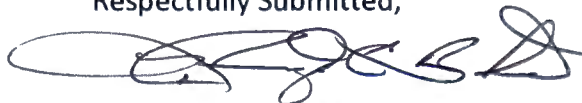
An Action Relating to Resources and Development; Naabik'íyáti' Committee and the Navajo Nation Council; Amending CAP-26-16 By Exempting Range Units 110, 601, 602, 603, 301, and 310 from the Determination of Navajo Partitioned Lands Range Unit Boundaries and Grazing Districts; Amending IGRJN-110-10 By 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

*Sponsored by: Honorable Herman M. Daniels*

*Co-Sponsored by: Honorable Otto Tso*

Has had it under consideration and reports the same was **TABLED**

Respectfully Submitted,



*Honorable LoRenzo C. Bates, Speaker*  
**NAVAJO NATION COUNCIL**

**26 JANUARY 2017**

### **TABLING MOTION:**

Motion to Table to next session

*Motioned by: Honorable Davis Filfred*

*Seconded by: Honorable Walter Phelps*

*Vote: 16 in Favor, 0 Opposed (Speaker Bates not voting)*

**MAIN MOTION:**

*Motioned by:* Honorable Otto Tso

*Seconded by:* Honorable Jonathan L. Hale

*Vote:*



5

## 23rd Navajo Nation Council

### Winter Session

DATE: January 26, 2017

Table Legislation: 0361-16

Motion: Filfred

Second: Phelps

#### ALL DELEGATES:

	Yea	Nay
BATES, LoRenzo		
BEGAY, Kee Allen Jr.	✓	
BEGAY, Norman M.	✓	
BEGAYE, Nelson	✓	
BENNETT, Benjamin L.	✓	
BROWN, Nathaniel		
CHEE, Tom T.	✓	
CROTTY, Amber K.		
DAMON, Seth		
DANIELS, Herman	✓	
FILFRED, Davis	✓	
HALE, Jonathan L.	✓	
JACK, Lee Sr.		
PERRY, Jonathan	✓	
PETE, Leonard H.		
PHELPS, Walter	✓	
SHEPHERD, Alton Joe		
SLIM, Tuchoney Jr.	✓	
SMITH, Raymond Jr.	✓	
TSO, Otto	✓	
TSOSIE, Leonard		
WITHERSPOON, Dwight	✓	
YAZZIE, Edmund	✓	
YAZZIE, Peterson	✓	

GRAND TOTAL

16 0

#### CERTIFICATION:



Honorable LoRenzo Bates  
Speaker

**23<sup>rd</sup> NAVAJO NATION COUNCIL**  
**ACTION REPORT**  
**Third Year 2017**

The **NAVAJO NATION COUNCIL** to whom has been assigned:

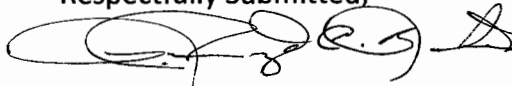
**NAVAJO NATION LEGISLATION #0361-16**

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

*Sponsored by: Honorable Herman M. Daniels*

Has had it under consideration and reports the same was **RETURNED TO TABLE, PENDING AMENDMENT AND REFERRED TO NAABIK'ÍYÁTI' COMMITTEE WITH DIRECTIVE TO RESOURCES AND DEVELOPMENT COMMITTEE**

Respectfully Submitted,



*Honorable LoRenzo C. Bates, Speaker*  
**NAVAJO NATION COUNCIL**

**18 JULY 2017**

**RETURN TO TABLE:**

*Motioned by: Honorable Seth Damon*

*Seconded by: Honorable Steven Begay*

*Vote: 13 in Favor, 00 Opposed (Speaker Bates Not Voting)*

**AMENDMENT #1: (PENDING)**

On Page 1, Lines 16 and 20, add after Kayenta Chapter “ , Forest Lake Chapter”; and

On Page 3, Line 3, 19, and 23, add after Kayenta Chapter “ , Forest Lake Chapter”; and

On Page 3, line 26, add after Kayenta Chapter officials, “ , Forest Lake Chapter officials,”

Motioned by: Honorable Dwight Witherspoon

Seconded by: Honorable Seth Damon

Vote: **VOTE PENDING**

**REFER MOTION:**

Refer back to Naabik’íyáti’ Committee for no later than 30 days with a directive to Resources and Development Committee.

Resources and Development Committee Directive:

BIA Regional Office, NPL grazing officials, including Blue Gap and Low Mountain grazing officials, to report on overall status of NPL, including this legislation and effect of this legislation, no later than 30 days. Bureau of Indian Affairs to provide forage study for NPL range units. Resources and Development to report to Naabik’íyáti’ Committee. Memo to be drafted to all parties, review with Delegate Tsosie before sending.

*Motioned by: Honorable Leonard Tsosie*

*Seconded by: Honorable Tuchoney Slim, Jr.*

*Vote: 14 in Favor, 07 Opposed (Speaker Bates Not Voting)*

**MAIN MOTION:**

*Motioned by: Honorable Otto Tso*

*Seconded by: Honorable Jonathan L. Hale*

*Vote:*

**NAVAJO NATION**

RCS# 783

NNC Summer Session

7/18/2017

02:01:49 PM

Amd# to Amd#

Legislation No. 0361-16

**PASSED**

MOT Damon

recall

SEC Begay, S

**Yea : 13**

**Nay : 0**

**Not Voting : 11**

**Yea : 13**

Begay, S  
BeGaye, N  
Chee  
Damon

Daniels  
Perry  
Pete

Shepherd  
Slim  
Smith

Tso  
Tsosie  
Witherspoon

**Nay : 0**

**Not Voting : 11**

Bates  
Begay, K  
Begay, NM

Bennett  
Brown  
Crotty

Filfred  
Hale  
Jack

Phelps  
Yazzie



# NAVAJO NATION

RCS# 784

NNC Summer Session

7/18/2017

02:30:56 PM

Amd# to Amd#

Refer Legislation 0361-16 to

PASSED

MOT Tsosie

Naabik'iyati' with directives

SEC Slim

to have RDC & BIA on the status  
of NPL/Grazing Officials

**Yea : 14**

**Nay : 7**

**Not Voting : 3**

**Yea : 14**

Begay, K  
Begay, NM  
Begay, S  
Chee

Crotty  
Hale  
Jack  
Pete

Phelps  
Shepherd  
Slim

Tso  
Tsosie  
Yazzie

**Nay : 7**

BeGaye, N  
Brown

Damon  
Daniels

Perry  
Smith

Witherspoon

**Not Voting : 3**

Bennett

Filfred

Bates