

LEGISLATIVE SUMMARY SHEET

Tracking No. 0342-18

DATE: September 17, 2018

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; OPPOSING ACTIONS OF THE NATIONAL PARK SERVICE, GLEN CANYON NATIONAL RECREATION AREA ALLOWING A COMMERCIAL USE AUTHORIZATION PERMIT PROGRAM WITHIN THE LEASED LANDS OF ANTELOPE POINT MARINA & RESORT AND SOUTH SHORELINES OF LAKE POWELL

PURPOSE: The purpose of this legislation is to approve legislation opposing action of the National Park Service.

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.

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
23rd NAVAJO NATION COUNCIL – Fourth Year, 2018

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0342-18

AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL;
OPPOSING ACTIONS OF THE NATIONAL PARK SERVICE, GLEN CANYON
NATIONAL RECREATION AREA ALLOWING A COMMERCIAL USE
AUTHORIZATION PERMIT PROGRAM WITHIN THE LEASED LANDS OF
ANTELOPE POINT MARINA AND RESORT AND THE SOUTH SHORELINES OF
LAKE POWELL

WHEREAS:

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).
- B. Matters constituting an emergency include matters which directly threaten the sovereignty of the Navajo Nation. 2 N.N.C. § 164(A)(16).
- C. The LeChee Chapter participated in the planning and development of the Antelope Point Marina and Resort Project and recommended to the Navajo Nation Council and its subcommittees that all actions necessary be executed to approve joint planning and management of Antelope Point to provide Navajo Economic Development opportunities and jobs for the local Navajo community.
- D. The Commercial Use Authorization (CUA) program authorizes businesses to provide certain commercial services not typically provided by the concessioners within the boundaries of Glen Canyon National Recreation Area. CUAs are two year permits

1 granted through the Business Management Office. Specific requirements for
2 certifications and insurance must be met and maintained for the duration of the CUA.

3 E. The National Park Service (NPS) recently issued a concession to a non-Navajo
4 company to conduct river trips on the Colorado River at Lee's Ferry without proper
5 planning and agreement by the Navajo Nation especially the local Navajo families.

6 F. The NPS failed to recognize a Navajo Nation authorized company that had obtained
7 a permit to conduct river trips since the Nation owns land beginning at the midstream and
8 on the south shorelines of the Colorado River within the Glen Canyon National
9 Recreation Area. In addition NPS had attempted to secure the authority to monitor and
10 approve a CUA on the south shores of Lake Powell; however, the Navajo Nation
11 Resources and Development Committee disapproved that request, which had been
12 supported by the Division of Economic Development.

13 G. NPS and Federal Aviation Administration (FAA) are currently proposing the
14 approval of an Air Tour Management Plan to be under the jurisdiction of the NPS and
15 FAA without proper recognition of Navajo Nation management.

16 H. It is now the intent of the NPS to issue CUAs from within the business site lease
17 and concession agreement at Antelope Point, which is not supported by the local Navajo
18 families and the impacted chapters.

19 I. Resolutions by LeChee Chapter, Coppermine Chapter, Bodaway/Gap Chapter, and
20 Western Navajo Agency Council are attached as **Exhibits A-D**, respectively.

21
22 **NOW THEREFORE BE IT RESOLVED:**

23 A. The Navajo Nation Council supports the chapters that have passed resolutions
24 opposing the unauthorized actions of the National Park Service.

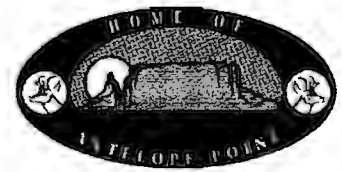
25 B. The Navajo Nation Council supports the establishment of a Navajo Nation team to
26 address the planning, management, and development issues within the shorelines of the
27 Colorado River and Lake Powell in order to protect the sovereignty and economic
28 development opportunities in that geographic region.



LC 07-40-18

PROPOSED RESOLUTION OF THE LECHEE CHAPTER OPPOSING ACTIONS OF THE NATIONAL PARK SERVICE, GLEN CANYON NATIONAL RECREATION AREA TO ALLOW FOR COMMERCIAL USE AUTHORIZATION (CUA) PERMIT PROGRAM WITHIN THE LEASED LANDS OF ANTELOPE POINT MARINA & RESORT AND SOUTH SHORELINES OF LAKE POWELL.

1. Pursuant to Title 26 N.N.C., Section 3(A), the LeChee Chapter is a certified chapter of the Navajo Nation Government since 2012, as listed at 11 N.N.C., Part 1, Section 10; and is delegated the authority and responsibility to promote local projects which benefit the local community; and
2. Pursuant to Title 26 N.N.C., Section 1(B), the LeChee 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 the LeChee Chapter is empowered by the Navajo Nation Council to review all matters affecting the local community to make favorable decisions in the best interest for the general health, safety, and welfare of the Chapter Membership and all Navajos; and
3. The LeChee Chapter cooperated since the early 1980's in joint planning and development of the approved Antelope Point "Final Development Concept Plan & Environmental Assessment" (APDCP&EA). Local Navajo families like LeChee Chapter and other District One Chapters were involved in joint planning for the Antelope Point Project. The joint planning team consisted of representatives from the National Park Service, Navajo Nation, LeChee Chapter & Bureau of Indian Affairs. This initiative was consistent with the 1970 Quadilateral Agreement between the Navajo Nation, National Park Service, Bureau of Indian Affairs and Bureau of Reclamation (1970Quad) where all economic opportunities were designated for the Navajo people;
4. The 1970 Quad insured the Navajo economic opportunities would be protected as required by the language within this agreement. The APDCP&EA emphasized the NN preference in economic development within the south shores of Lakes Powell. Furthermore, the NN has jurisdiction as noted in the agreement from the surface of the water level south including the joint jurisdiction with the NPS to the water elevation 3720. Let it be known the water elevation 3720 is higher than the top of the dam;
5. At the time, the LeChee Chapter President served on the core team for the joint planning team during the formulation and development of the APDCP&EA during the timeframe of 1983-1987. And in addition, On behalf of the LeChee Chapter, the Chapter President served on the planning team during the development of the Memorandum of Understanding of 1994 (MOU), Bridge Agreement of 2003 and was instrumental in keeping the local LeChee Chapter informed as to the project progress



and led the local approvals and recommendations necessary for the withdrawal of lands for Antelope Point including right of ways for all service and access roads and infrastructure and the approval of alcohol sales at Antelope Point;

6. As a result, the LeChee Chapter participated in the planning and development of the Antelope Point Marina & Resort Project and recommended to the Navajo Nation Council and its subcommittees that all actions necessary be executed to approve the joint planning and management of Antelope Point to provide Navajo Economic Development opportunities and jobs for the local Navajo community and their neighbors;

7. In all documents, plans, leases and concession agreements, the intent of protecting the Navajo business and economic opportunities were stipulated and part of all the foundational agreements including Commercial Use Authorizations (CUAs);

8. The **Commercial Use Authorization (CUA)** permit program authorizes businesses to provide certain commercial services not typically provided by the concessioners within the boundaries of Glen Canyon National Recreation Area. Commercial Use Authorizations are two-year permits granted through the Business Management Office. Specific requirements for certifications and insurance must be met and maintained for the duration of the CUA.

9. The National Park Service recently issued a concession to a non-Navajo company to conduct river trips on the Colorado River at Lee's Ferry without proper planning and agreement by the Navajo Nation especially the local Navajo Families;

10. The National Park Service failed to recognize a Navajo Nation authorized company who had obtained a permit to do river trips since the Nation owns river and lands beginning at midstream and on the south shorelines of the Colorado River within Glen Canyon National Recreation Area. In addition, the National Park Service had attempted to secure the authority to monitor and approve Commercial Use Authorization (CUA) on the south shores of Lake Powell however the Resources & Development Committee disapproved that request sponsored by NN Division of Economic Development;

11. In addition, the NPS and FAA are currently proposing the approval a Air Tour Management Plan to be under the jurisdiction of the NPS and FAA without proper recognition and NN management in the long term policy especially with regard to the local District One Chapters. District One Chapters include LeChee, Coppermine and other chapters including Navajo Mountain, Gap & Bodaway and Oljato;

12. It is now the intent of the National Park Service to issue CUAs from within the business site lease and concession agreement at Antelope Point which is not at all supported by the local Navajo families and LeChee Chapter.

LeChee Chapter



P.O. Box 4720 • Page, Arizona • 928-698-2805 • 928-698-2803 fax

NOW THEREFORE BE IT RESOLVED:

1. The local Navajo communities and their chapter governments demands the National Park Service to live within the goals of the Quadilateral Agreement of 1970;, APDCP&EA of 1986, Memorandum of Understanding of 1994 (MOU), Bridge Agreement of 2003 and both the Business Lease and Concession Agreements at Antelope Point Marina and Resort; and, The National Park Service terminate their plans to implement the Commercial Use Authorization (CUA) permit program.

Motions: Leslie Nez

seconds: Yvonne Bigman

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered at a Chapter Meeting in Lechee, Navajo Nation, Arizona, at which a quorum was present and that the same was passed by a vote of 33 in favor, 0 opposed and 1 abstained on this 9th day of July, 2018.

LeChee Chapter President

LeChee Chapter Vice President

LeChee Chapter Secretary/Treasurer

Council Delegate
Tauchoney Slim Jr.

Chapter President
Jerry L. Williams

Vice President
JoAnn Yazzie-Pioche

Secretary/Treasurer
Christina Gamble

Grazing Committee Member
Sara Dale

COPPERMINE CHAPTER

CHAPTER PRESIDENT
Sid Whitehair

CHAPTER VICE-PRESIDENT
Lola Smith

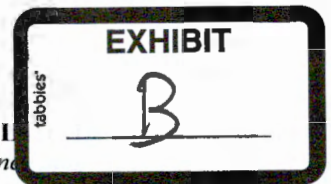
SECRETARY/TREASURER
Valerie Fowler



Western Navajo Agency – District One
Post Office Box 1323, Page, Arizona 86040
Telephone No: 928.691.1109

COUNCIL
Tauchona

GRAZING COMMITTEE
Calvin G. Begay



RESOLUTION OF THE COPPERMINE CHAPTER

CO-08-94-18

PROPOSED RESOLUTION OF THE COPPERMINE CHAPTER OPPOSING ACTIONS OF THE NATIONAL PARK SERVICE, GLEN CANYON NATIONAL RECREATION AREA TO ALLOW FOR COMMERCIAL USE AUTHORIZATION (CUA) PERMIT PROGRAM WITHIN THE LEASED LANDS OF ANTELOPE POINT MARINA & RESORT AND SOUTH SHORELINES OF LAKE POWELL.

WHEREAS:

1. The Coppermine Chapter was established as a governing body of the Navajo Nation in (DATE) and furthermore, LGA Certified Chapter under (Site NN Code) in (day, month, year);
2. The Coppermine Chapter cooperated since the early (year) in joint planning and development of the approved Antelope Point "Final Development Concept Plan & Environmental Assessment" (APDCP&EA). Local Navajo families like Coppermine Chapter and other District One Chapters were involved in joint planning for the Antelope Point Project. The joint planning team consisted of representatives from the National Park Service, Navajo Nation, Coppermine Chapter & Bureau of Indian Affairs. This initiative was consistent with the 1970 Quadrilateral Agreement between the Navajo Nation, National Park Service, Bureau of Indian Affairs and Bureau of Reclamation (1970Quad) where all economic opportunities were designated for the Navajo people;
3. The 1970 Quad insure the Navajo economic opportunities would be protected as required by the language within this agreement. The APDCP&EA emphasized the NN preference in economic development within the south shores of Lake Powell. Furthermore, the NN has jurisdiction as noted in the agreement from the surface of the water level south including the joint jurisdiction with the NPS to the water elevation 3720. Let it be known the water elevation 3720 is higher than the top of the dam;
4. At the time, the Coppermine Chapter President served on the core team for the joint planning team during the formulation and development of the APDCP&EA during the timeframe of 1983-1987. And in addition, on behalf of the Coppermine Chapter, the Chapter President served on the planning team during the development of the Memorandum of the Understanding of 1994 (MOU), Bridge Agreement of 2003 and was instrumental in keeping the local Coppermine Chapter informed as to the project progress and led the local approvals and recommendations necessary for the withdrawal of lands for Antelope Point

COPPERMINE CHAPTER

CHAPTER PRESIDENT

Sid Whitehair

CHAPTER VICE-PRESIDENT

Lola Smith

SECRETARY/TREASURER

Valerie Fowler



Western Navajo Agency – District One
Post Office Box 1323, Page, Arizona 86040
Telephone No: 928.691.1109

COUNCIL DELEGATE

Tauchoney Slim

GRAZING COMMITTEE

Calvin G. Begay

-
- including right of ways for all service and access roads and infrastructure and the approval of alcohol sales at Antelope Point;
5. As a result, the Coppermine Chapter participated in the planning and development of the Antelope Point Marina & Resort Project and recommended to the Navajo Nation Council and it's subcommittees that all actions necessary be executed to approve the joint planning and management of Antelope Point to provide Navajo Economic Development opportunities and jobs for the local Navajo community and their neighbors;
 6. In all documents, plans, leases and concession agreements, the intent of protecting the Navajo business and economic opportunities were stipulated and part of all the foundational agreements including Commercial Use Authorizations (CUAs);
 7. The Commercial Use Authorization (CUA) permit program authorizes businesses to provide certain commercial services not typically provided by the concessioners within the boundaries of Glen Canyon National Recreation Area. Commercial Use Authorizations are two-year permits granted through the Business Management Office. Specific requirements for requirements for certifications and insurance must be met and maintained for the duration of the CUA.
 8. The National Park Service recently issued a concession to a non-Navajo company to conduct river trips of the Colorado River at Lee's Ferry without proper planning and agreement by the Navajo Nation;
 9. The National Park Service failed to recognize a Navajo Nation authorized company who had obtained a permit to do river trips since the Nation owns river and lands beginning at midstream and on the south shorelines of the Colorado River within Glen Canyon National Recreational Area. In addition, the National Park Service had attempted to secure the authority to monitor and approve Commercial Use Authorization (CUA) on the south shores of Lake Powell however the Resources & Development Committee disapproved that request;
 10. In addition, the NPS and FAA are currently proposing the approval of an Air Tour Management Plan to be under the jurisdiction of the NPS and FAA without proper recognition and NN management in the long term policy especially with regard to the local District One Chapters. District One Chapter include LeChee, Coppermine and other chapters including Navajo Mountain, Gap & Bodaway and Oljato;
 11. It is now the intent of the National Park Service to issue CUAs from within the business site lease and concession agreement at Antelope Point which is not all supported by the local Navajo families and Coppermine Chapter.

COPPERMINE CHAPTER

CHAPTER PRESIDENT

Sid Whitehair

CHAPTER VICE-PRESIDENT

Lola Smith

SECRETARY/TREASURER

Valerie Fowler



Western Navajo Agency – District One
Post Office Box 1323, Page, Arizona 86040
Telephone No: 928.691.1109

COUNCIL DELEGATE

Tauchoney Slim

GRAZING COMMITTEE

Calvin G. Begay

NOW THEREFORE BE IT RESOLVED:

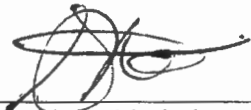
1. The local Navajo communities and their chapter governments demands the National Park Service to live within the goals of the Quadrilateral Agreement of 1970,, APDCP&EA of 1986, Memorandum of Understanding of 1994 (MOU), Bridge Agreement of 2003 and both the Business Lease and Concession Agreements at Antelope Point Marina and Resort;
2. The National Park Service must consult with Coppermine Chapter and Navajo Nation and hereby abide by all the agreements at Antelope Point and provide for Navajo businesses to capture the opportunities and cease from their plans to implement the Commercial Use Authorization (CUA) permit program on the South Shores of Lake Powell and Antelope Point.

CERTIFICATION

We, hereby certify that the foregoing resolution was duly considered at a duly-called meeting of the Coppermine Chapter, Coppermine (Navajo Nation), Arizona, at which a quorum was present and the same was passed by a vote of 32 in favor, 00 opposed, 09 abstained on this 14TH day of AUGUST 2018.

Motion: Joanne Clizzie

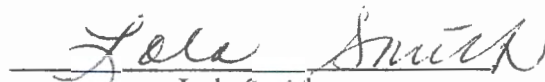
Second: Linda Long



Sid Whitehair,
PRESIDENT



Valerie Fowler.
SECRETARY/TREASURER



Lola Smith.
VICE PRESIDENT



BODAWAY/GAP CHAPTER

An Enterprise of the Navajo Nation

P.O. Box 1546 ~ The Gap, AZ 86020
Phone: (928) 283-3493 Fax: (928) 283-3496
Email: bodaway@navajochapters.org



VACANT, Chapter Manager
VACANT, Administrative Assistant

WESTERN NAVAJO AGENCY

RESOLUTION OF THE BODAWAY/GAP CHAPTER

Naaltsoos Bee Adah Nahoditaahii

Resolution No: BA-008-043-18

SUPPORTING RESOLUTION OF BODAWAY/GAP CHAPTER ON BEHALF OF LECHEE CHAPTER AND OTHER CHAPTERS DIRECTLY IMPACTED OPPOSE THE ACTIONS OF THE NATIONAL PARK SERVICE, GLEN CANYON NATIONAL RECREATION AREA ALLOWING FOR COMMERCIAL USE AUTHORIZATION (CUA) PERMIT PROGRAM WITHIN THE LEASED LANDS OF ANTELOPE POINT MARINA AND AMP; RESORT AND SOUTH SHORELINES OF LAKE POWELL.

WHEREAS:

1. Pursuant to "Navajo Nation Local Governance Act" 26 N.N.C., Section 3 (A) the Bodaway/Gap Chapter is a duly recognized Chapter of the Navajo Nation Government, as listed at 11 N.N.C., part 1, Section 10; and
2. Pursuant to "Navajo Nation "Local Governance Act" 26 N.N.C., Section 1 (B) Bodaway/Gap Chapter is vested with the authority to review all matters affecting the community and to make appropriate corrections when necessary and made recommendations to the Navajo Nation and other local agencies for appropriate actions; and
3. Pursuant to "Navajo Nation Local Governance Act" 26 N.N.C., Purposes: Enactment of the Local Governance Act allows Chapters to make decisions over local matters. This authority, in the long run, will improve community decision making, allows communities to excel and improve the strength and sovereignty of the Navajo Nation. Through adoption of this Act, Chapters are compelled to govern with responsibility and accountability to the local citizens; and
4. The Lechee Chapter cooperated since the early 1980's in joint planning and development of the approved Antelope Point "Final Development Concept Plan & amp; Environmental Assessment" (APDCP & amp; EA). Local Navajo families living in the Bodaway/Gap Chapter and other impacted Chapters were involved in joint planning for the Antelope Point Project. The joint planning team consisted of representatives from the National Park Service, Navajo Nation, APDCP and amp; EA; and Bureau of Indian Affairs. This initiative was consistent with the 1970 Quadrilateral Agreement between the Navajo Nation, National Park Service, Bureau of Indian Affairs and Bureau of Reclamation (1970 Quad) where all economic opportunities were designated for the Navajo people; and

5. The 1970 Quad insured the Navajo economic opportunities would be protected as required by the language within this agreement. The APDCP & EA emphasized the NN preference in economic development within the south shores of Lake Powell. Furthermore, the NN has jurisdiction as noted in the agreement from the surface of the water level south including the joint jurisdiction with the NPS to the water elevation 3720. Let it be known the water elevation 3720 is higher than the top of the dam; and
6. At the time, the Lechee Chapter President served on the core team for the joint planning during the formulation and development of the APDCP & EA during the timeframe of 1983-1987. And in addition, on behalf of the Lechee Chapter, the Chapter President served on the planning team during the development of the Memorandum of Understanding of 1994 (MOU), Bridge Agreement of 2003 and was instrumental in keeping the local Lechee Chapter informed as to the project progress and led the local approvals and recommendations necessary for the withdrawal of lands for Antelope Point including right of ways for all service and access roads and infrastructure and approval of alcohol sales at Antelope Point; and
7. As a result, the Lechee Chapter participated in the planning and development of the Antelope Point Marina & Resort Project and recommended to the Navajo Nation Council and its subcommittees that all actions necessary be executed to approve the joint planning and management of Antelope Point to provide Navajo Economic Development opportunities and jobs for the local Navajo community and their neighbors; and
8. In all documents, plans, leases and concession agreements, the intent of protecting the Navajo business and economic opportunities were stipulated and part of all the foundational agreements including Commercial Use Authorizations (CUAs); and
9. The Commercial Use Authorization (CUA) permit program authorizes businesses to provide certain commercial services not typically provided by the concessioners within the boundaries of Glen Canyon National Recreation Area. Commercial Use Authorizations are two-year permits granted through the Business Management Office. Specific requirements for certifications and insurance must be made and maintained for the duration of the CUA; and
10. The National Park Service recently issued a concession to a non-Navajo company to conduct river trips on Colorado River at Lee's Ferry without proper planning and agreement by the Navajo Nation; and
11. The National Park Service failed to recognize a Navajo Nation authorized company who had obtained a permit to do river trips since the Nation owns river and lands beginning at midstream and on the south shorelines of the Colorado River within Glen Canyon National Recreation Area. In addition, the National Park Service had attempted to secure the authority to monitor and approve Commercial Use Authorization (CUA) on the south shores of Lake Powell however the Resources and Development Committee disapproved that request; and
12. In addition, the NPS and FAA are currently proposing the approval of an Air Tour Management Plan to be under the jurisdiction of the NPS and FAA without proper recognition and NN management in the long-term policy especially with regard to the local District One Chapters. District One Chapters include Lechee, Coppermine and other chapters including Navajo Mountain and Oljato, and;
13. It is now the intent of the National Park Service to issue CUAs from within the business site and concession agreement at Antelope Point, which is not at all supported by the impacted Navajo Chapter(s) families and Lechee Chapter.

NOW THEREFORE BE IT RESOLVED:

1. The local Navajo communities and the impacted local Chapter governments demand the National Park Service to live within the goals of the Quadilateraln Agreement of 1970, and APDCP and amp; EA of 1986, Memorandum of Understanding of 1994 (MOU), Bridge Agreement of 2003 and both the Business Lease and Concession Agreements at Antelope Point Marina and Resort, and;
2. The National Park Service must consult with Lechee Chapter and Navajo Nation and hereby abide by all the agreements at Antelope Point and provide for Navajo businesses to capture the opportunities and cease from their plans to implement the Commercial Use Authorization (CUA) permit program on the South Shores of Lake Powell and Antelope Point.
3. PROPOSED RESOLUTION OF THE BODWAY/GAP CHAPTER ON BEHALF OF LECHEE CHAPTER AND OTHER CHAPTERS DIRECTLY IMPACTED OPPOSE THE ACTIONS OF THE NATIONAL PARK SERVICE, GLEN CANYON NATIONAL RECREATION AREA TO ALLOW FOR COMMERIAL USE AUTHORIZATION (CUA) PERMIT PROGRAM WITHIN THE LEASED LANDS OF ANTELOPE POINT MARINA AND AMP; RESORT AND SOUTH SHORELINES OF LAKE POWELL.

******* CERTIFICATION *******

We, hereby, certify the foregoing Resolution was considered by the Bodaway/Gap Chapter membership at a duly called regular Chapter meeting at the Bodaway/Gap Chapter House on the Navajo Nation in the state of Arizona at which a quorum was present and that same was passed by a vote of 20 in Favor, 00 Opposed. 06 Abstained on this 25th day of August 2018.

Motioned by: Rose Tsosie

Seconded by: Debbie Yellowman

Raymond D. Yellowman
Raymond D. Yellowman, President

Leonard Sloan
Leonard Sloan, Vice President

Bessie Zahne
Bessie Zahne, Secretary/Treasurer

Absent
Lee Yazzie, Jr., Grazing Official

Absent
Tuchoney Slim, 23rd Navajo Nation Council Delegate



WESTERN NAVAJO AGENCY COUNCIL

HANK STEVENS
President

JERRY WILLIAMS
Vice-President

SARAH SLIM
Secretary



RESOLUTION OF THE WESTERN NAVAJO AGENCY COUNCIL WNAC RESOLUTION N0: WNAC18-09-NB4

SUPPORTING AND APPROVING THE RESOLUTION OF THE LECHEE CHAPTER OPPOSING ACTIONS OF THE NATIONAL PARK SERVICE, GLEN CANYON NATIONAL RECREATION AREA TO ALLOW FOR COMMERCIAL USE AUTHORIZATION (CUA) PERMIT PROGRAM WITHIN THE LEASED LANDS OF ANTELOPE POINT MARINA & RESORT AND SOUTH SHORELINES OF LAKE POWELL.

WHEREAS:

1. The Western Navajo Agency Council is an association of duly elected Chapter Officials of eighteen (18) certified Navajo Nation Chapters that advocate, promote and support common goals and interest of the respective Chapters; and
2. Pursuant to 26 N.N.C. Section 103 (D) (4), the Western Navajo Agency Council, a consortium of elected Chapter Officials representing eighteen (18) certified Navajo Nation Chapters, agree to address and undertake common goals and interests for the benefit of the Western Navajo Agency Chapters; and
3. Pursuant 2 N.N.C SECTION: 4028; the Western Navajo Agency Council is vested with government authority to review all matters affecting the community to make most appropriate recommendations when necessary to the Navajo Nation, County, State, Federal and other local agencies; and
4. The LeChee Chapter cooperated since the early 1980's in joint planning and development of the approved Antelope Point "Final Development Concept Plan & Environmental Assessment" (APDCP&EA). Local Navajo families like LeChee Chapter and other District One Chapters were involved in joint planning for the Antelope Point Project. The joint planning team consisted of representatives from the National Park Service, Navajo Nation, LeChee Chapter & Bureau of Indian Affairs. This initiative was consistent with the 1970 Quadrilateral Agreement between the Navajo Nation, National Park Service, Bureau of Indian Affairs and Bureau of Reclamation (1970Quad) where all economic opportunities were designated for the Navajo people;
5. The 1970 Quad insured the Navajo economic opportunities would be protected as required by the language within this agreement. The APDCP&EA emphasized the NN preference in economic development within the south shores of Lakes Powell. Furthermore, the NN has jurisdiction as noted in the agreement from the surface of the water level south including the joint jurisdiction with the NPS to the water elevation 3720. Let it be known the water elevation 3720 is higher than the top of the dam;
6. At the time, the LeChee Chapter President served on the core team for the joint planning team during the formulation and development of the APDCP&EA during the timeframe of 1983-1987. And in addition, On behalf of the LeChee Chapter, the Chapter President served on the planning

WESTERN NAVAJO AGENCY COUNCIL CHAPTERS

BIRDSPRINGS/TSIDII TO'II ~ BODAWAY/GAP ~ CAMERON ~ CHILCHINBETO ~ COALMINE CANYON
COPPERMINE ~ DENNEHOTSO ~ INSCRIPTION HOUSE/TS'AH BII'KIN ~ KAIBETO/KAI'BII TO ~ KAYENTALECHEE ~
LEUPP ~ NAVAJO MOUNTAIN ~ OLJATO ~ SHONTO ~ TOLANI LAKE ~ TONANESDIZI ~ TONALEA



WESTERN NAVAJO AGENCY COUNCIL

HANK STEVENS
President

JERRY WILLIAMS
Vice-President

SARAH SLIM
Secretary



team during the development of the Memorandum of Understanding of 1994 (MOU), Bridge Agreement of 2003 and was instrumental in keeping the local LeChee Chapter informed as to the project progress and led the local approvals and recommendations necessary for the withdrawal of lands for Antelope Point including right of ways for all service and access roads and infrastructure and the approval of alcohol sales at Antelope Point;

7. As a result, the LeChee Chapter participated in the planning and development of the Antelope Point Marina & Resort Project and recommended to the Navajo Nation Council and it's subcommittees that all actions necessary be executed to approve the joint planning and management of Antelope Point to provide Navajo Economic Development opportunities and jobs for the local Navajo community and their neighbors;
8. In all documents, plans, leases and concession agreements, the intent of protecting the Navajo business and economic opportunities were stipulated and part of all the foundational agreements including Commercial Use Authorizations (CUAs);
9. The **Commercial Use Authorization (CUA)** permit program authorizes businesses to provide certain commercial services not typically provided by the concessioners within the boundaries of Glen Canyon National Recreation Area. Commercial Use Authorizations are two-year permits granted through the Business Management Office. Specific requirements for certifications and insurance must be met and maintained for the duration of the CUA.
10. The National Park Service recently issued a concession to a non-Navajo company to conduct river trips on the Colorado River at Lee's Ferry without proper planning and agreement by the Navajo Nation especially the local Navajo Families;
11. The National Park Service failed to recognize a Navajo Nation authorized company who had obtained a permit to do river trips since the Nation owns river and lands beginning at midstream and on the south shorelines of the Colorado River within Glen Canyon National Recreation Area. In addition, the National Park Service had attempted to secure the authority to monitor and approve Commercial Use Authorization (CUA) on the south shores of Lake Powell however the Resources & Development Committee disapproved that request sponsored by NN Division of Economic Development;
12. In addition, the NPS and FAA are currently proposing the approval a Air Tour Management Plan to be under the jurisdiction of the NPS and FAA without proper recognition and NN management in the long term policy especially with regard to the local District One Chapters. District One Chapters include LeChee, Coppermine and other chapters including Navajo Mountain, Gap & Bodaway and Oljato;
13. It is now the intent of the National Park Service to issue CUAs from within the business site lease and concession agreement at Antelope Point which is not at all supported by the local Navajo families and LeChee Chapter.

NOW THEREFORE BE IT RESOLVED:

1. Supporting and approving the resolution of the Lechee Chapter opposing actions of the National Park Service, Glen Canyon National Recreation Area to allow for Commercial Use Authorization (CUA) Permit Program within the leased lands of Antelope Point Marina & Resort and south shorelines of Lake Powell.

WESTERN NAVAJO AGENCY COUNCIL CHAPTERS

BIRDSPRINGS/TSIDII TO'II ~ BODAWAY/GAP ~ CAMERON ~ CHILCHINBETO ~ COALMINE CANYON
COPPERMINE ~ DENNEHOTSO ~ INSCRIPTION HOUSE/TS'AH BII'KIN ~ KAIBETO/KAI'BII TO ~ KAYENTALECHEE ~
LEUPP ~ NAVAJO MOUNTAIN ~ OLJATO ~ SHONTO ~ TOLANI LAKE ~ TONANEESDIZI ~ TONALEA



WESTERN NAVAJO AGENCY COUNCIL

HANK STEVENS
President

JERRY WILLIAMS
Vice-President

SARAH SLIM
Secretary



2. The local Navajo communities and their chapter governments demands the National Park Service to live within the goals of the Quadilateral Agreement of 1970;, APDCP&EA of 1986, Memorandum of Understanding of 1994 (MOU), Bridge Agreement of 2003 and both the Business Lease and Concession Agreements at Antelope Point Marina and Resort; and,
3. The National Park Service terminate their plans to implement the **Commercial Use Authorization (CUA)** permit program.

CERTIFICATION

I hereby certify that the foregoing resolution was approved by the Western Navajo Agency Council at a duly called meeting at Chilchinbeto, Arizona at which a quorum was present and the same was passed by a vote of 29 in favor, 0 opposed, 1 abstained, this 15th day of September 2018.

Motion: Martha Tate

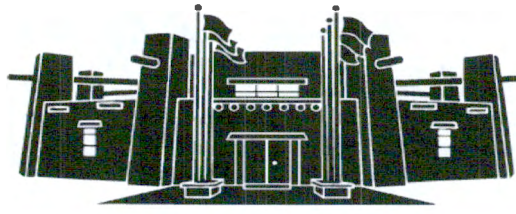
Second: Stanley Clitso


Hank Stevens, President
Western Navajo Agency Council

WNAC RESOLUTION N0: WNAC18-09-NB4

WESTERN NAVAJO AGENCY COUNCIL CHAPTERS

BIRDSPRINGS/TSIDII TO'II ~ BODAWAY/GAP ~ CAMERON ~ CHILCHINBETO ~ COALMINE CANYON
COPPERMINE ~ DENNEHOTSO ~ INSCRIPTION HOUSE/TS'AH BII'KIN ~ KAIBETO/KAI'BII TO ~ KAYENTALECHEE ~
LEUPP ~ NAVAJO MOUNTAIN ~ OLJATO ~ SHONTO ~ TOLANI LAKE ~ TONANEECDIZI ~ TONALEA



MEMORANDUM

TO: Honorable Tuchoney Slim, Jr.
23rd Navajo Nation Council

FROM: 
Kristen Lowell, Principal Attorney
Office of Legislative Counsel

DATE: October 17, 2018

SUBJECT: **AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; OPPOSING ACTIONS OF THE NATIONAL PARK SERVICE, GLEN CANYON NATIONAL RECREATION AREA ALLOWING A COMMERCIAL USE AUTHORIZATION PERMIT PROGRAM WITHIN THE LEASED LANDS OF ANTELOPE POINT MARINA & RESORT AND SOUTH SHORELINES OF LAKE POWELL**

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 his 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 this legislation was drafted in accordance with 2 N.N.C. §164(A)(16).

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.