

LEGISLATIVE SUMMARY SHEET

Tracking No. 0047-20

DATE: March 6, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES; REQUESTING THE BUREAU OF LAND MANAGEMENT AND BUREAU OF INDIAN AFFAIRS TO EXTEND THE DEADLINES FOR NAVAJO NATION INPUT INTO THE PROGRAMMATIC AGREEMENT FOR FLUID MINERAL LEASING, APPLICATIONS FOR PERMIT TO DRILL, AND ASSOCIATED RIGHTS-OF-WAY DEVELOPMENT UNDER THE FARMINGTON MANCOS-GALLUP RESOURCE MANAGEMENT PLAN AMENDMENT AND ASSOCIATED ENVIRONMENTAL IMPACT STATEMENT

PURPOSE: This resolution, if approved, will extend the time for the Navajo Nation to provide input to the Programmatic Agreement for fluid mineral leasing, applications for permit to drill, and associated rights-of-way development under the Farmington Mancos-Gallup Resource Management Plan Amendment and associated environmental impact statement.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: SNOTAH
Website Posting Time/Date: _____
Posting End Date: 03-11-20
Eligible for Action: 03-12-20

Resources and Development Committee
Thence
Naabik'iyáti' Committee

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL—Second Year, 2020

INTRODUCED BY

Primary Sponsor



TRACKING NO. 0047-20

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI'
COMMITTEES; REQUESTING THE BUREAU OF LAND MANAGEMENT
AND BUREAU OF INDIAN AFFAIRS TO EXTEND THE DEADLINES FOR
NAVAJO NATION INPUT INTO THE PROGRAMMATIC AGREEMENT
FOR FLUID MINERAL LEASING, APPLICATIONS FOR PERMIT TO
DRILL, AND ASSOCIATED RIGHTS-OF-WAY DEVELOPMENT UNDER
THE FARMINGTON MANCOS-GALLUP RESOURCE MANAGEMENT
PLAN AMENDMENT AND ASSOCIATED ENVIRONMENTAL IMPACT
STATEMENT

WHEREAS:

- A. The Navajo Nation established the Resources and Development Committee as a Navajo Nation Council standing committee and as such empowered the Committee to exercise oversight authority over land, cultural resources, rights-of-ways, and minerals and to protect the rights, sacred sites and freedoms of the Navajo Nation and People to such resources. 2 N.N.C. §§ 500 (C) and (C)(1).
- B. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation Council standing committee and as such empowered the Committee to review and continually monitor programs of federal, state and local departments and to assist

- 1 development of such programs designed to serve the Navajo people and the Navajo
2 Nation through intergovernmental agreements. 2 N.N.C. §§ 700 (A) and 701 (A)(6).
- 3 C. The Naabik'iyáti' Committee is also empowered to coordinate with committees,
4 Chapters, branches and entities concerned with all Navajo appearances and testimony
5 before departments of the United States government and state and local government
6 departments. 2 N.N.C. § 701 (A)(8).
- 7 D. The Navajo Nation has a government-to-government relationship with the United
8 States.
- 9 E. The Bureau of Land Management (BLM) Farmington Field Office (FFO) and Bureau
10 of Indian Affairs (BIA) Navajo Regional Office (NRO) are the lead federal agencies
11 for the Section 106 consultation process of the National Historic Preservation Act
12 (NHPA) related to the BLM and BIA's joint effort in preparation of an Environmental
13 Impact Statement (EIS) in the San Juan Basin.
- 14 F. The BLM is using the EIS process to manage development in the Mancos Shale-Gallup
15 oil and gas producing geologic formation, as well as making decisions regarding rights-
16 of-way, vegetation, and lands with wilderness characteristics; the BIA is using the EIS
17 process for mineral leasing and associated decisions on Navajo Tribal trust and
18 individual Indian allotment lands.
- 19 G. Attendant to the EIS process, the BLM and BIA NRO serve as co-lead federal agencies
20 for purposes of compliance with the National Environmental Policy Act (NEPA) and
21 Section 106 of the NHPA and related requirements for the Farmington Mancos-Gallup
22 Resource Management Plan Amendment and Associated Environmental Impact
23 Statement (FMG/RMPA/EIS).
- 24 H. The BLM and BIA NRO have acknowledged that the Navajo Nation has its own
25 perspective, understanding, and knowledge about the San Juan Basin and the historic
26 properties located therein and that the Navajo Nation has special expertise to identify
27 historic properties that have traditional cultural significance to the Navajo Nation and
28 Navajo people.
- 29 I. The BLM and BIA NRO have also acknowledged that the identification of historic
30 Navajo properties and assessment of potential adverse effects from oil and gas

1 development activities and associated Right-of-Way development actions within the
2 EIS Decision Area require consultation processes under Section 106 of the NHPA.

3 J. The BLM and BIA NRO have proposed to develop stipulations and other conditions to
4 guide their management and development of oil and gas trust resources owned by the
5 Navajo Nation and individual Indian allottees through a Programmatic Agreement,
6 working draft attached as **Exhibit A**.

7 K. The Navajo Nation, through the Historic Preservation Office, is a Consulting Party, as
8 well as a Signatory, to the Programmatic Agreement.

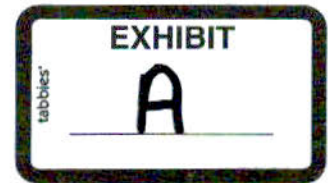
9 L. Despite requests by numerous Consulting Parties to extend the deadline, the BLM has
10 indicated through email, attached as **Exhibit B**, that it will only accept proposed
11 amendments to the draft Programmatic Agreement, attached at **Exhibit A**, through
12 March 16th and proposed language for applications for permits to drill and right-of way
13 (APD/ROW) stipulations through March 20th.

14 M. The Navajo Nation needs time beyond the deadlines set by the BLM to present the draft
15 Programmatic Agreement to Leadership for discussion and to affected local chapters
16 and communities for comment.

17
18 **THEREFORE, BE IT RESOLVED:**

19 A. The Navajo Nation Council hereby requests the Bureau of Land Management
20 Farmington Field Office and Bureau of Indian Affairs Navajo Regional Office to
21 extend the deadlines to accept proposed amendments to the draft Programmatic
22 Agreement and proposed language for applications for permits to drill and right-of way
23 stipulations for at least forty-five (45) days.

24 B. The Navajo Nation hereby authorizes the Speaker of the Navajo Nation Council,
25 President of the Navajo Nation, and their designees, to advocate for the extension of
26 time set forth above.



Programmatic Agreement

Among

**Bureau of Land Management New Mexico,
Bureau of Indian Affairs Navajo Regional Office,
New Mexico State Historic Preservation Officer,
Navajo Nation Tribal Historic Preservation Officer,
and the Advisory Council on Historic Preservation,**

**Regarding Fluid Mineral Leasing, Applications for Permit to Drill, and Associated
Rights-of-Way Development Identified in the Farmington Mancos-Gallup Resource
Management Plan Amendment and Associated Environmental Impact Statement and
Record of Decision, San Juan, Rio Arriba, McKinley, and Sandoval Counties, New Mexico**

PREAMBLE

The Decision Area that is the subject of this Programmatic Agreement is part of a larger ancestral homeland that, since time immemorial, has been an integral part of the histories and continuing lifeways of many southwestern Indian tribes. The San Juan Basin is a multi-layered cultural landscape that is a palimpsest of separate, overlapping cultural landscapes of individual tribes, with each of these layers representing a significant part of an individual tribe's homeland. Based on their respective histories, -Each tribe possesses and maintains a unique, continuing, and active relationship with their cultural landscape and its component parts that is fundamental to their understanding and preservation of their culture, identity, history, values, beliefs, and practices. The landscapes are an ecosystem of culture and nature interacting; the people and the landscape are inseparable. The tribes participating in this Programmatic Agreement are acting in accord with their respective community's land ethics to serve both as stewards of their homeland and trustees of their cultural inheritance.

Within this cultural landscape, the Decision Area is composed of interconnected places of traditional religious, cultural, and historical value. These cultural resources include not just those with a human signature, such as archaeological sites, but also aspects of the natural environment such as earth, water, rock formations, minerals, fossils, vegetation, animals, air, and night sky, as well as soundscapes, view sheds, and sight-lines. In their traditional understandings, tribal members consider everything in these landscapes, including archaeological resources, as imbued with life and spirit; therefore, the material aspects of the environment cannot be divorced from the social and spiritual.

-Each part of this cultural and natural ecosystem is considered by Indian tribes as an essential component of their cultural landscape within the San Juan Basin. These are the places that maintain the connections between people and their culture and identity, and include lands central to tribal origins, places of ancestral and ongoing importance, places vital to the tribes' ongoing stewardship roles in the basin, and lands inherently important to tribes' cultural identities. These cultural resources are individual parts of a living, dynamic cultural process, connected to each other and the people.

Native people's cultural-natural symbiotic relationships traditionally are embedded in the landscape, both above and below the surface of land and water, and are germane to the continued survival of their

Programmatic Agreement for Fluid Mineral Leasing, Applications for Permit to Drill, and Associated Rights-of-Way Development under the Farmington Mancos-Gallup Resource Management Plan Amendment and Associated Environmental Impact Statement

1 **WHEREAS**, the BLM proposes to amend the 2003 RMP to provide management actions and
2 allocations that identify where oil and gas-related activities are prohibited, where they may be
3 permitted after further analysis, and how they should generally be conducted where they are allowed;
4 and

5 **WHEREAS**, the United States Department of the Interior, Bureau of Indian Affairs (BIA), Navajo
6 Regional Office (NRO) is responsible for the administration and management of land, minerals, and
7 other interests held in trust by the United States of America for American Indians and Indian tribes,
8 including those tribal trust and individual Indian allotment lands and minerals on the Navajo Nation
9 within the area where ~~they have~~ BIA NRO has authority to make land use and management decisions;
10 and

11 **WHEREAS**, the BIA NRO has leasing decision-making authority for individual Navajo allottees on
12 Navajo individual Indian allotments, and the BLM and BIA NRO share some management
13 responsibilities related to oil and gas development on Navajo tribal trust lands and individual Indian
14 allotments within the environmental impact statement (EIS) Decision Area (see Appendix A to this
15 Agreement); and

16 **WHEREAS**, the BIA NRO proposes to develop stipulations and other conditions to guide their
17 management of oil and gas trust resources owned by the Navajo Nation and individual Indian
18 allottees; and

19 **WHEREAS**, the BLM and the BIA NRO have prepared an EIS that analyzes the potential impacts to
20 the human and natural environment from management alternatives for each agency that address the
21 changing oil and gas development patterns in the Mancos shale/Gallup formation, as well as realty
22 actions specifically related to oil and gas development activities and associated right-of-way (ROW)
23 development; and

24 **WHEREAS**, the BLM and the BIA NRO serve as co-lead federal agencies for purposes of
25 compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National
26 Historic Preservation Act (NHPA) and related requirements for the Farmington Mancos-Gallup
27 Resource Management Plan Amendment and Associated Environmental Impact Statement (FMG
28 RMPA/EIS); and

29 **WHEREAS**, through its Record of Decision (ROD), the BLM will determine whether and how to
30 amend the 2003 RMP, and any terms and conditions established by the ROD will apply to new leases
31 and Applications for Permission to Drill (APDs) and associated ROW development within the EIS
32 Decision Area for which the BLM has granting authority; and

33 **WHEREAS**, through its ROD, the BIA NRO will determine the changes to their management of oil
34 and gas resources and associated activity decisions, and any terms and conditions established by the
35 ROD will apply to new leases within the EIS Decision Area for which the BIA NRO has granting
36 authority; and

*Programmatic Agreement for Fluid Mineral Leasing, Applications for Permit to Drill, and Associated
Rights-of-Way Development under the Farmington Mancos-Gallup Resource Management
Plan Amendment and Associated Environmental Impact Statement*

1 **WHEREAS**, the BLM and BIA NRO acknowledge that each Indian tribe has its own unique
2 perspective, understanding, and knowledge about the San Juan Basin, its role in their tribe's history,
3 and the historic properties located therein, and that Indian tribes have special expertise to identify
4 historic properties that have traditional cultural significance to the tribes; and

5 **WHEREAS**, the BLM and the BIA NRO acknowledge that current Section 106 consultation
6 processes with Indian tribes and other knowledgeable consulting parties, conducted to identify
7 historic properties and ~~determine~~ assess potential adverse effects from individual oil and gas
8 development activities and associated ROW development actions proposed in the Undertaking's
9 APE, and conducted under the current U.S. Department of the Interior policies and processes, do not
10 result in ~~make it difficult for~~ consulting parties ~~to provide~~ ing timely and meaningful input; and

11 **WHEREAS**, the BLM and the BIA NRO have determined that the identification and evaluation of
12 historic properties that may be affected by the Undertaking, and the identification and
13 characterization of effects on historic properties, cannot be fully determined prior to approval of the
14 Undertaking, in accordance with 36 C.F.R. § 800.4(b)(2), and have chosen to ~~determine~~ assess
15 potential adverse effects from the Undertaking and provide for the resolution of any such effects
16 through the implementation of this Programmatic Agreement consistent with 36 C.F.R. §
17 800.14(b)(3) and (b)(1)(ii); and

18 **WHEREAS**, the BLM and the BIA NRO have also developed this Agreement to improve the
19 Section 106 consultation process and facilitate the provision of timely and meaningful input by
20 Indian tribes and other consulting parties with regard to the identification and evaluation of historic
21 properties that may be affected by the Undertaking, ~~and the identification and characterization of~~
22 potential effects on historic properties, and the resolution of adverse effects; and

23 **WHEREAS**, ~~the stipulations in this Agreement replace the Section 106 compliance process and~~
24 ~~procedures as outlined in the BLM National Programmatic Agreement among the BLM, ACHP, and~~
25 ~~the National Conference of State Historic Preservation Officers (BLM Nationwide PA) and the State~~
26 ~~Protocol Between the New Mexico Bureau of Land Management and the New Mexico State Historic~~
27 ~~Preservation Officer Regarding the Manner in Which BLM Will Meet Its Responsibilities Under the~~
28 ~~National Historic Preservation Act in New Mexico (New Mexico State Protocol) for the~~
29 Undertaking this Agreement is a program alternative for the Section 106 compliance process and will
30 be used to meet Section 106 and 36 C.F.R. Part 800 obligations for all future undertakings described
31 herein and located within this Agreement; and

32 **WHEREAS**, the BLM and the BIA NRO have consulted with the New Mexico State Historic
33 Preservation Officer (NMSHPO) on development of this Agreement, and the NMSHPO is authorized
34 by existing law and regulation to enter into this Agreement in order to fulfill its role of advising and
35 assisting Federal agencies in carrying out Section 106 responsibilities pursuant to 36 C.F.R. §
36 800.2(c)(1)(i) and 36 C.F.R. § 800.6(b), and the NMSHPO reflects the interests of the State of New
37 Mexico and its citizens in the preservation of their cultural heritage, and the NMSHPO is a Signatory
38 to this Agreement (36 C.F.R. § 800.6[c][1][ii]); and

Programmatic Agreement for Fluid Mineral Leasing, Applications for Permit to Drill, and Associated Rights-of-Way Development under the Farmington Mancos-Gallup Resource Management Plan Amendment and Associated Environmental Impact Statement

1 **WHEREAS**, the BLM and the BIA NRO have invited 25 Indian tribes, that may attach religious or
2 cultural significance to historic properties that have the potential to be affected by the Undertaking
3 pursuant to Section 101(d)(6)(B) of the NHPA, 36 C.F.R. § 800.2(c)(2), and other legal authorities,
4 and are entitled to be consulted about the identification and ~~determination~~ assessment of effects on
5 historic properties, to consult on the development of this Agreement; and

6 **WHEREAS**, those Indian tribes invited ~~include~~ are the Hopi Tribe, Jicarilla Apache Nation, Navajo
7 Nation, Ohkay Owingeh, Pueblo of Acoma, Pueblo de Cochiti, Pueblo of Isleta, Pueblo of Jemez,
8 Pueblo of Laguna, Pueblo of Nambe, Pueblo of Picuris, Pueblo of Pojoaque, Pueblo of Sandia,
9 Pueblo of San Felipe, Pueblo de San Ildefonso, Pueblo of Santa Ana, Pueblo of Santa Clara, Pueblo
10 of Santo Domingo, Pueblo of Taos, Pueblo of Tesuque, Pueblo of Ysleta del Sur, Pueblo of Zia,
11 Southern Ute Indian Tribe, Ute Mountain Ute Tribe, ~~Southern Ute Indian Tribe~~, and the Zuni Tribe;
12 and

13 **WHEREAS**, the BLM and the BIA NRO have invited these Indian tribes to sign this Agreement as
14 Invited Signatories (36 C.F.R. § 800.6[c][2][ii]); and

15 **WHEREAS**, the BLM and the BIA NRO will carry out their responsibilities to consult with Indian
16 tribes that request such consultation with regard to historic properties to which they attach religious
17 and cultural significance, with the further understanding that, notwithstanding any decision by these
18 Indian tribes to decline signature or concurrence, the BLM and BIA NRO shall continue to consult
19 with these Indian tribes throughout the implementation of this Agreement; and

20 **WHEREAS**, the BLM and the BIA NRO acknowledge that no provision of this Agreement will be
21 construed by any of the Signatories, Invited Signatories, or Concurring Parties as abridging or
22 debilitating any sovereign powers or rights of the Indian tribes, or interfering with the government-
23 to-government relationship between the United States and the Indian tribes; and

24 **WHEREAS**, the BOR is responsible for the administration and management of BOR lands within
25 the external boundaries of the Undertaking's APE, the BLM and the BIA NRO have invited the BOR
26 to consult on the development of this Agreement, and the BOR is invited to sign this Agreement as a
27 Concurring Party (36 C.F.R. § 800.6[c][3]); and

28 **WHEREAS**, the National Park Service (NPS) is responsible for the administration and management
29 of NPS lands within the external boundaries of the Undertaking's APE, the BLM and the BIA NRO
30 have invited the NPS to consult on the development of this Agreement, and the NPS is invited to sign
31 this Agreement as a Concurring Party (36 C.F.R. § 800.6[c][3]); and

32 **WHEREAS**, the U.S. Forest Service, Carson National Forest (CNF) is responsible for the
33 administration and management of CNF lands within the external boundaries of the Undertaking's
34 APE and the BLM and the BIA NRO have invited the CNF to consult on the development of this
35 Agreement, and the CNF is invited to sign this Agreement as a Concurring Party (36 C.F.R. §
36 800.6[c][23]); and

Programmatic Agreement for Fluid Mineral Leasing, Applications for Permit to Drill, and Associated Rights-of-Way Development under the Farmington Mancos-Gallup Resource Management Plan Amendment and Associated Environmental Impact Statement

Agreement, through the scoping and outreach conducted for the EIS and Section 106 processes (36 C.F.R. § 800.2[d]); and

~~WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1) and the BLM Nationwide PA, the BLM and the BIA NRO have notified the ACHP about the Undertaking and that the effects of the Undertaking on historic properties cannot be fully determined prior to approval of the Undertaking, and have invited the ACHP to participate in the development of this Agreement pursuant to 36 C.F.R. § 800.6(a)(1)(i)(C), and the ACHP has elected to participate by formal notification received September 3, 2014, and is a Signatory to this Agreement; and~~

WHEREAS, the BLM and the BIA NRO recognize their continued obligations under other federal, state, and tribal laws, regulations, statutes, rules, policies, and procedures, and nothing in this Agreement precludes the agencies from abiding by those obligations;the NHPA (54 U.S.C. § 300101 et seq.), the Archeological Resources Protection Act of 1979 (16 U.S.C. §§ 470aa-mm [ARPA]); AIRFA of 1978 (42 U.S.C. 1996), Religious Freedom Restoration Act (42 U.S.C. §§ 2000bb through § 2000bb-4), the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469-469e), Executive Order 13007, and NAGPRA (25 U.S.C. § 3001 et seq.); and

~~WHEREAS, the BLM and the BIA NRO recognize their continued obligations under the Navajo Nation Cultural Resources Protection Act (CMY-19-88, Navajo Nation Code, Title 19, Chapter 11, Sections 1001-1061), the Navajo Nation Policy for the Protection of Jishchaa': Gravesites, Human Remains, and Funerary Items, and the Navajo Nation Disposition of Cultural Resource Collections Policy; and~~

~~WHEREAS, the BLM and the BIA NRO recognize their continued obligations under the New Mexico Cultural Properties Act (18-6-1 et seq. New Mexico Statutes Annotated [NMSA] 1978) and the New Mexico Prehistoric and Historic Sites Preservation Act (18-8-1 et seq. NMSA 1978); and~~

~~WHEREAS, Native American cultural items, as defined in NAGPRA (25 U.S.C. § 3001 et seq.) and the Navajo Nation Policy for the Protection of Jishchaa': Gravesites, Human Remains, and Funerary Items, are expected to be encountered during the activities of this Undertaking, and will be treated in accordance with existing law, regulation, policy, and procedure as dictated by the location of discovery;~~

NOW, THEREFORE, the BLM, the BIA NRO, the NMSHPO, the NNTHPO, and the ACHP, collectively known as "Signatories," mutually agree that the Undertaking will be carried out in accordance with the following stipulations in order to take into account and resolve the effects of the Undertaking on historic properties.

Subject: RE: FMG RMPA/EIS - Section 106 - response to request received at February 28, 2020 meeting; working individually with the contractors on drafting sections of the PA

From: "FFO_RMP, BLM_NM" <BLM_NM_FFO_RMP@blm.gov>

Date: March 5, 2020 at 9:34:03 AM MST

Subject: FMG RMPA/EIS - Section 106 - response to request received at February 28, 2020 meeting; working individually with the contractors on drafting sections of the PA

Dear Consulting Party or Section 106 Participant:

The Bureau of Land Management (BLM) Farmington Field Office (FFO) and Bureau of Indian Affairs (BIA) Navajo Regional Office (NRO) are the lead federal agencies for the Section 106 process of the National Historic Preservation Act (NHPA) related to the BLM and BIA's joint effort in preparation of an Environmental Impact Statement (EIS). The BLM is using the EIS process to manage development in the Mancos Shale/Gallup oil and gas producing geologic formation in the Resource Management Plan Amendment (RMPA), as well as making decisions regarding rights-of-way, vegetation, and lands with wilderness characteristics. The BIA is using the EIS process for mineral leasing and associated decisions on Navajo Tribal trust and individual Indian allotment lands.

This communication is in response to a request from some consulting parties at the most recent FMG RMPA/EIS Section 106 meeting on February 28, 2020. Several consulting parties expressed interest in working directly with the BLM, BIA, and their contractors to develop language for the remaining portions of the programmatic agreement (PA) that have not yet been drafted, including the stipulations for the applications for permits to drill (APDs) and rights-of-way (ROWs) related to oil and gas development. However, due to schedule constraints including the additional Section 106 meeting on March 18, 2020 (added per request by the consulting parties), internal BLM and BIA reviews and meetings, the upcoming public meetings for the draft EIS, and the timeframes for providing the next revision of the draft PA, the BLM and BIA were not able to identify a time to schedule a second additional meeting in March wherein the consulting parties and agencies could draft language for the APD and ROW stipulations.

To the extent possible, the BLM and BIA would still like to accommodate the consulting parties' desire to participate in the drafting of the PA. Therefore, we will be accepting draft language for the APD/ROW stipulations to be included in draft PA Revision 3 up until a deadline of March 20. The agencies will then be reviewing the draft language and incorporating the text as appropriate into Revision 3 of the draft PA. Further, the BLM and BIA would like to schedule a collaborative, strike-team style meeting in mid-May for those consulting parties who would like

to participate in additional drafting of the PA. More details on this meeting will follow in a later email.

The deadline for submitting written comments on the draft PA Revision 2 will remain March 16, and respondents should send their written comments or red-line edits in the Word document to blm_nm_ffo_rmp@blm.gov.

The BLM and BIA look forward to your participation at the March 18, 2020 Section 106 meeting. We would appreciate your response if you plan to attend; please email us your RSVP to the FMG RMPA/EIS email: blm_nm_ffo_rmp@blm.gov.

The BLM and BIA also recognize that the federal government has a unique relationship with Indian tribal governments. We invite you to engage in government-to-government consultation about the Section 106 process for the FMG RMPA/EIS in lieu of, or in addition to, the upcoming consulting parties meeting on March 18, 2020 meeting for the FMG RMPA/EIS Section 106 process.

Please contact the following agency personnel if you need any further information about the FMG RMPA/EIS, the upcoming consulting parties meeting, or other consultation under Section 106.

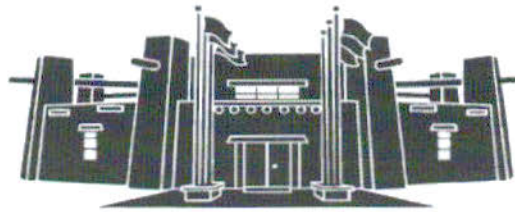
Bureau of Land Management

Al Elser, BLM Farmington District Office Manager at (505) 564-7618, aelser@blm.gov, or Erik Simpson, Farmington Field Office Archeologist at (505) 564-7678, dsimpson@blm.gov.

Bureau of Indian Affairs

Bart Stevens, BIA Navajo Regional Office Director at (505) 863-8221, bartholomew.stevens@bia.gov, or Robert Begay, Navajo Regional Office Archaeologist at (505) 863-8515, robert.begay1@bia.gov.

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MEMORANDUM

TO: Honorable Daniel Tso
Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Brewitt, Casamero
Lake, Ojo Encino, and Counselor Chapters

FROM: *Dana Bobroff*
Dana Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

DATE: March 6, 2020

SUBJECT: **AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND
NAABIK'ÍYÁTI' COMMITTEES; REQUESTING THE BUREAU OF
LAND MANAGEMENT AND BUREAU OF INDIAN AFFAIRS TO
EXTEND THE DEADLINES FOR NAVAJO NATION INPUT INTO THE
PROGRAMATIC AGREEMENT FOR FLUID MINERAL LEASING,
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OF-WAY DEVELOPMENT UNDER THE FARMINGTON MANCOS-
GALLUP RESOURCE MANAGEMENT PLAN AMENDMENT AND
ASSOCIATED ENVIRONMENTAL IMPACT STATEMENT**

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.

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). 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 NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0047-20_____

SPONSOR: Daniel Tso

TITLE: An Action Relating to Resources and Development and Naabik'iyáti' Committees; Requesting the Bureau of Land Management and Bureau of Indian Affairs to extend the deadlines for Navajo Nation Input into the Programmatic Agreement for Fluid Mineral Leasing, Applications for permit to Drill, and Associated Rights-of-Way Development under the Farmington Mancos-Gallup Resource Management Plan Amendment and Associated Environmental Impact Statement

Date posted: March 6, 2020 at 4:45pm

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590

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.*