

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
of the 24th NAVAJO NATION COUNCIL -- Fourth Year, 2022

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; RESCINDING RDCMA-27-18 WHICH ACCEPTED THE BUREAU OF INDIAN AFFAIRS RECOMMENDATION OF THE GRAZING CAPACITY OF EQUAL DISTRIBUTION OF TEN (10) SHEEP UNIT YEAR LONG (SUYL) FOR THE NAVAJO PARTITIONED LANDS; RECOMMENDING TO THE BUREAU OF INDIAN AFFAIRS THE MODIFICATION OF CARRYING CAPACITIES AND STOCKING RATES IN THE NAVAJO PARTITIONED LANDS WITH ATTENTION TO DINÉ TRADITIONAL LAW; AND RECOMMENDING TO THE BUREAU OF INDIAN AFFAIRS EQUAL DISTRIBUTION OF FIFTY (50) SHEEP UNIT YEAR LONG (SUYL) FOR THE NAVAJO PARTITIONED LANDS

BE IT ENACTED:

Section One. Authority

- A. Pursuant to 2 N.N.C. Section §500 (C)(1), the Resources and Development Committee of the Navajo Nation Council has the authority to establish Navajo Nation policy with respect to the optimum utilization of all Navajo Nation resources and to protect the rights, interests, sacred sites and freedoms of the Navajo Nation and People to such resources, now and for future generations.
- B. Pursuant to 2 N.N.C. Section §501 (C)(1), the Resources and Development Committee of the Navajo Nation Council has oversight authority over the Division of Natural Resources, including District Grazing Officers, and including grazing issues to accomplish the duties set forth in 3 N.N.C. §§ 832 and 852.

Section Two. Findings

- A. Resolution RDCMA-27-18 AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; PURSUANT TO 25 CFR § 161.204(c) IMPLEMENTING THE BUREAU OF INDIAN AFFAIRS RECOMMENDATION OF EQUAL DISTRIBUTION OF TEN (10) SHEEP UNITS YEAR LONG (SUYL) FOR THE NAVAJO PARTITIONED LANDS (NPL) AND DIRECTING THE NAVAJO DEPARTMENT OF AGRICULTURE TO IMPLEMENT THE RECOMMENDATIONS OF THE BUREAU OF INDIAN AFFAIRS IN THIS MATTER is attached as Exhibit A.

- B. The Whippoorwill Chapter Resolution WC-19-59 states the opinion of many residents in the Navajo Partitioned Lands when it states "The Navajo Nation Fundamental Law, under Title 1 of the Navajo Nation Code was totally ignored during the entire process, local residents tried to raise the issue but were not understood and considered by hearing panels[.]"
- C. During the Resources and Development Committee (Committee) regular meeting held in Pinon, Arizona on February 19, 2020, a report was received by the Committee relating to the Reissuance of Navajo Partitioned Lands (NPL) Grazing Permits. During this report, the Committee heard that NPL residents did not see how they could maintain their traditional way of life if they were issued only a ten (10) Sheep Units Year Long permit.
- D. 25 CFR § 161.204 speaks to how carrying capacities and stocking rates are established. It states:
- (a) BIA, with the concurrence of the Navajo Nation, will prescribe, review and adjust the carrying capacity of each range unit by determining the number of livestock, and/or wildlife, that can be grazed on the Navajo Partitioned Lands without inducing damage to vegetation or related resources on each range unit and the season or seasons of use to achieve the objectives of the agricultural resource management plan and range unit management plan.
 - (b) BIA, with the concurrence of the Navajo Nation, will establish the stocking rate of each range or management unit. The stocking rate will be based on forage production, range utilization, the application of land management practices, and range improvements in place to achieve uniformity of grazing under sustained yield management principles on each range or management unit.
 - (c) BIA will review the carrying capacity of the grazing units on a continuing basis and, in consultation with the Grazing Committee and affected permittees, adjust the stocking rate for each range or management unit as conditions warrant.
 - (d) Any adjustments in stocking rates will be applied equally to each permittee within the management unit requiring adjustment.

- E. 25 CFR § 161.3 (a) and (d) state that the goals and objectives of grazing management on Navajo Partitioned Lands include to "[t]o respect and recognize the importance that livestock and land have in sustaining Navajo tradition and culture," 25 CFR § 161.3 (a), and to "[protect, conserve, utilize, and maintain the highest productive potential on the Navajo Partitioned Lands through the application of sound conservation practices and techniques," 25 CFR § 161.3 (d).
- F. 25 CFR § 161.100 provides for the applicability of Navajo Nation law "except to the extent that those Navajo Nation laws are inconsistent with this part or other applicable federal law. This part may be superseded or modified by Navajo Nation laws with Secretarial approval however, so long as:
- (a) The Navajo Nation laws are consistent with the enacting Navajo Nation's governing documents;
 - (b) The Navajo Nation has notified BIA of the superseding or modifying effect of the Navajo Nation laws;
 - (c) The superseding or modifying of the regulation would not violate a federal statute or judicial decision, or conflict with the Secretary's general trust responsibility under federal law; and
 - (d) The superseding or modifying of the regulation applies only to Navajo Partitioned Lands." 25 CFR § 161.100 (a)-(d).
- G. Navajo Nation law includes:
- (a) 1 N.N.C. § 202 Diné Bi Beehaz'áanii, Diné Traditional Law, "These laws provide sanctuary for the Diné life and culture, our relationship with the world beyond the sacred mountains, and the balance we maintain with the natural world."
 - (b) 1 N.N.C. § 203 Diné Bits'33d66' Beehaz'áanii (J) The Diné and the government can incorporate those practices, principles and values of other societies that are not contrary to the values and principles of Diné Bi Beehaz'áanii and that they deem is in their best interest and is necessary to provide for the physical and mental well-being for every individual." 1 N.N.C. § 203 (J).

- (c) 1 N.N.C. § 205 Nahasdzaán dóó Yádi[hi] Bits'33d66' Beehaz'áanii, Diné Natural Law teaches that "All creation, from Mother Earth and Father Sky to the animals, those who live in water, those who fly and plant life have their own laws and have rights and freedoms to exist; and [t]he Diné have the sacred obligation and duty to respect, preserve and protect all that was provided for we were designated as the steward for these relatives through our use of sacred gifts of language and thinking[.]" 1 N.N.C. § 205 (C), (D).

Section Three. Rescinding RDCMA-27-18

The Resources and Development Committee of the Navajo Nation Council hereby rescinds RDCMA-27-18.

Section Four. Recommending to the Bureau of Indian Affairs Modification of the Carrying Capacities and Stocking Rates in the Navajo Partitioned Lands with Attention to Diné Traditional Law

The Resources and Development Committee recommends that the Bureau of Indian Affairs modify the carrying capacities and stocking rates in the Navajo Partitioned Lands with attention to Diné Traditional Law principles included in 1 N.N.C. §§ 202, 203, 205 which state the importance that livestock and land have in sustaining Navajo tradition and culture and the importance of stewardship of all that live on Mother Earth and Father Sky.

Section Five. Recommending Increasing the Equal Distribution of Sheep Units Year Long (SUYL) from Ten (10) to Fifty (50) for the Navajo Partitioned Lands (NPL)

The Resources and Development Committee hereby recommends to the Bureau of Indian Affairs the increase of the equal distribution of Sheep Units Year Long (SUYL) from ten (10) to fifty (50 Sheep Units Year Long for the Navajo Partitioned Lands (NPL).

CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 24th Navajo Nation Council at a duly called meeting at Window Rock, (Navajo Nation) Arizona, at which quorum was present and that same was passed by a vote of 5 in favor, 0 opposed, on this 26th day of October 2022.

A handwritten signature in black ink, appearing to be 'Rickie Nez', with a stylized, cursive script.

Rickie Nez, Chairperson
Resources and Development Committee
Of the 24th Navajo Nation Council

Motion: Honorable Kee Allen Begay, Jr.
Second: Honorable Herman M. Daniels, Jr.

EXHIBIT

tabbies

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
23rd Navajo Nation Council --- Fourth Year, 2018

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; PURSUANT TO 25
CFR § 161.204(c) IMPLEMENTING THE BUREAU OF INDIAN AFFAIRS
RECOMMENDATION OF EQUAL DISTRIBUTION OF TEN (10) SHEEP UNITS
YEAR LONG (SUYL) FOR THE NAVAJO PARTITIONED LANDS (NPL) AND
DIRECTING THE NAVAJO DEPARTMENT OF AGRICULTURE TO IMPLEMENT THE
RECOMMENDATIONS OF THE BUREAU OF INDIAN AFFAIRS IN THIS MATTER

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. Pursuant to 2 N.N.C. Section §501 (C)(1), The Resources and Development Committee of the Navajo Nation Council has the authority to establish Navajo Nation policy with respect to the optimum utilization of all Navajo Nation resources and to protect the rights, interests, sacred sites and freedoms of the Navajo Nation and People to such resources, now and for future generations.
- B. The Resources and Development Committee serves as oversight of the Division of Natural Resources, including District Grazing Officers, Eastern Navajo Land Board, Farm Boards, Soil and Water Conservation Districts, including grazing issues to accomplish the duties set forth in 3 N.N.C. §§ 832 and 852. 2 N.N.C. § 501 (C)(1).

SECTION TWO. FINDINGS

- A. The United States Department of the Interior, Bureau of Indian Affairs, Navajo Regional Office (BIA) sent correspondences to President Russell Begaye regarding the Navajo Partitioned Lands and recommended equal distribution of ten (10) Sheep Units Year Long due to diminished grazing capacity of the land. See **Exhibit A**.

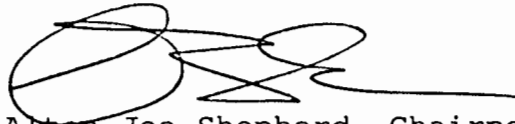
- B. On November 15, 2017 the Resources and Development Committee of the Navajo Nation requested legal review of the acceptance of the BIA recommendations prior to its implementation as policy. See **Exhibit B**.
- C. The Navajo Nation Department of Justice, Natural Resources Unit has communicated its approval of the acceptance by resolution of the Resources and Development Committee, of the BIA recommendations to the Office of Legislative Counsel by email and in direct conversation.
- D. It is in the best interest of the Navajo Nation and consistent with the provisions of 25 CFR § 161.204(c), which states that the "BIA will review the carrying capacity of the grazing units on a continuing basis and in consultation with the Grazing Committee and affected permittees, adjust the stocking rate for each range or management unit as conditions warrant" for the Resources and Development Committee to accept the recommendations of the BIA in this matter.
- E. It is in the best interest of the Navajo Nation that the Resources and Development Committee direct the Navajo Department of Agriculture to implement the BIA recommendation and to do so on a "Chapter ready" basis.

Section Three. Approval

- A. The Resources and Development Committee of the Navajo Nation hereby accepts the recommendations of the BIA regarding the grazing capacities of the NPL and the recommended SUYLs, as found at **Exhibit A**.
- B. The Resources and Development Committee hereby directs the Navajo Department of Agriculture to implement these BIA recommendations and to do so on a "Chapter ready" basis.
- C. The Resources and Development Committee reaffirms the 750 feet controlled zones as established by Navajo Tribal Resolution CV-9-50 as attached as **Exhibit C**.

CERTIFICATION

I, hereby certify that the following resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at the Navajo Division of Transportation, Tse Bonito, Navajo Nation (New Mexico), at which a quorum was present and that same was passed by a vote of 3 in favor, 1 opposed, 1 abstained on this 21st day of March, 2018.

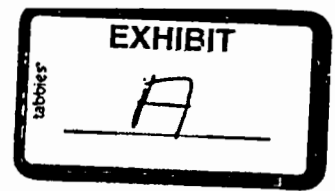
A handwritten signature in black ink, appearing to read 'Alton Joe Shepherd', with a long horizontal line extending to the right.

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

Motion: Honorable Leonard Pete
Second: Honorable Jonathan Perry



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Navajo Regional Office
P.O. Box 1060
Gallup, New Mexico 87301



IN REPLY REFER TO
Office of N460

FEB 03 2017

Honorable Russell Begaye
President, The Navajo Nation
P.O. Box 9000
Window Rock, Arizona 86515

Attention: Department of Agriculture

Dear President Begay:

RE: 2017 Navajo Partitioned Lands Carrying Capacity and Stocking Rate
Recommendation

The Navajo Nation Department of Agriculture and the Bureau of Indian Affairs (BIA), Branch of Natural Resources, has been meeting to discuss a "Critical Path" for re-issuing Grazing Permits on Navajo Partitioned Lands (NPL) and we are now at the stage where we are ready to send the Navajo Nation a list of names. However, pursuant to CFR 161.402 we are required to submit a current carrying capacity and stocking rate along with the list of names for the NPL Precincts. To develop this recommendation, the team reviewed 2004 and 2016 vegetative carrying capacities established from vegetation studies completed by BIA and its contractors with a standard stocking rate of (1) 790lb Cow or AUM = to (4) 197.5lb Sheep or SUYL.

The Range Inventory reports completed in 2004 are available for Precincts 1, 2 and 3. The Range Inventory reports completed in 2016 are available for Precincts 1 and 3. The 2016 range inventory report available for Precinct 2 will be completed in 2017 and provided to the Navajo Nation as soon as finalized.

Upon review and analysis of the above described range inventory information, combined with grazing permit data for all three precincts, the team is recommending that NPL grazing permits be re-issued at the above stocking rate and a carrying capacity of 10 sheep units yearlong (SUYL). CFR 161.302 sets to a minimum allowed to issue a permit at ten (10) SUYL.

This recommendation accounts for range conditions trending negatively since 2004 and as a result the rangelands will not be able to withstand grazing at 1972 carrying capacities. For historical reference, a total of 65,116 SUYL were contained in 1147 grazing permits on the NPL in 1972. These permits were cancelled with an average number of 57 SUYL.

Analysis:

The 2004 Range Inventory data and carrying capacity in SUYL by precinct is summarized in Table 1.0 below. In 2004, the carrying capacity was 5.79 SUYL in Precinct 1, 12.27 SUYL in Precinct 2, and 11 SUYL in Precinct 3.

Table 1.0
NPL Carrying Capacity Summary for Precincts 1, 2 and 3

SUYL 1972 65117			No of Permits 1147			SUYL/Permit 1972 56.72
Carrying Cap SUYL 2004	Carrying Cap SUYL 2016 Initial	Carrying Cap SUYL 2016 Adjusted	No of Permits	SUYL/Permit 2004	SUYL/Permit 2016 Initial	SUYL/Permit 2016 Adjusted
Precinct 1 2556	1303	984	441	5.79	2.95	2.23
Precinct 2 5202	Not available	Not Available	424	12.27	Not Available	Not Available
Precinct 3 3041	1177	881	283	10.74	4.16	3.11

In the same table 1.0, the 2016 Range Inventory data shows a 50% decrease (or more) from the 2004 numbers in the carrying capacity for Precinct 1 and 3. An "adjusted" carrying capacity is also incorporated in the data. This adjustment is determined by taking into consideration the distance to water and the percentage of slope of the land. Grazing land with a greater distance to water and higher slopes will not be as readily useable for livestock so the carrying capacity is reduced or "adjusted". Therefore, the 2016 adjusted carrying capacity in Precinct 1 and 3 are further reduced to 2.23 SUYL and 3.11 SUYL respectively. The adjustment factor is about 25 percent.

In absence of 2016 range inventory data for Precinct 2, the team agrees that there is likely a comparable decrease and a similar adjustment from the 2004 data in Precinct 2. Thus, the carrying capacity in Precinct 2 was considered similar to the data from Precinct 1 and 3.

Table 2.0 shows 1997, 2004 and 2016 known carrying capacities for Precincts 1, 2, and 3. These capacities show a decrease in the availability of vegetation on NPL over a period of time.

Table 2.0 - Carrying Capacities for Precincts on the Navajo-Paria National Monument						
Precincts	Chapters	Range Units	1997	2004	2004 Reduction Factor^1	2015/2016
3	Tonalea	101	238	425	255	102
3	Tonalea	102	202	368	221	112
3	Tonalea	103	186	229	137	72
3	Tonalea	104	68	82	49	27
3	Tonalea	105	206	598	358	230
3	Tonalea	106	180	105	63	13
3	Tonalea	107	265	165	99	93
3	Tonalea	108	184	125	75	13
3	Tonalea	109	135	182	109	23
3	Shonto	110	593	594	356	85
3	Chilchinbeto	301	114	60	36	26
3	Shonto	602	129	108	65	20
Total P3		12	2500	3041	1823	816
2	Forest Lake	302	157	204	122	TBD
2	Forest Lake/Hard Rock	303	278	290	174	TBD
2	Hard Rock	304	633	443	265	TBD
2	Hard Rock /Pinon	305	429	461	276	TBD
2	Pinon	306	443	336	201	TBD
2	Pinon	307	424	307	184	TBD
2	Black Mesa	308	508	382	229	TBD
2	Forest Lake	309	439	505	303	TBD
3	Black Mesa	310	345	173	104	65
2	Black Mesa	311	629	432	259	TBD
2	Pinon	401	234	254	152	TBD
2	Blue Gap	402	448	253	152	TBD
2	Whippoorwill	403	92	126	75	TBD
2	Blue Gap	404	254	165	99	TBD
2	Pinon	405	182	157	94	TBD

2	Pinon	406	381	398	239	TBD
2	Whippoorwill	407	127	125	75	TBD
2	Whippoorwill	408	162	191	114	TBD
Total P2		18	6165	5202	3117	TBD
1	Low Mountain	409	273	231	138	93
1	Tolani Lake	501	267	74	44	99
1	Tolani Lake	502	30	9	5	7
1	Tolani Lake	503	47	111	66	40
1	Teesto	504	102	116	69	49
1	Teesto	505	24	38	23	7
1	Teesto	506	24	102	61	23
1	Whitecone	507	331	374	224	155
1	Whitecone	508	146	162	97	49
1	Whitecone	509	257	127	76	86
1	Whitecone	510	222	173	104	75
1	Whitecone	511	280	155	93	48
1	Whitecone	512	160	197	118	76
1	Whitecone	513	212	61	36	67
1	Jeddito	514	347	248	148	48
1	Jeddito	515	45	107	64	10
1	Jeddito	516	35	24	14	3
1	Jeddito	517	163	143	86	30
1	Whitecone	518	90	104	62	19
Total P1		19	3055	2556	1528	984
GRAND TOTAL		49	11720	10799	6468	TBD

Recommendation:

Based on decreasing vegetation from 1997 to 2016 in Precincts 1 and 3, and presumed the same in Precinct 2, re-issuing grazing permits at 1972 SUYL levels is not prudent. Therefore, the range inventory data on NPL suggest adjustments are needed based on the carrying capacity. If we were to implement the adjustment based on old 1972 carrying capacity numbers some permittees who already had low carrying capacities would be well below (10) SUYL which is not allowable under 25 CFR 161.302 and other permittee's who had very high old 1972 carrying capacities would have numbers that the land cannot sustain.

Therefore in fairness, an equal distribution of (10) SUYL carrying capacity for all permits reissued is the recommended best solution at this time.

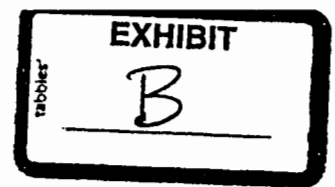
The team also recommends the carrying capacities for the reissued permits be revisited and possibly adjusted based on yearly range monitoring, range inventory data completed, and conservation planning. By doing so, the Navajo Nation, BIA and the permit holders can manage the range lands and improve the range conditions to produce more productive livestock.

BIA Navajo Region concurs with the recommendations above and requests the concurrence from the Navajo Nation pursuant to 25 CFR 161.204 and 25 CFR 161.403. If you have any questions and for further discussion, please contact Mr. Calvert L. Curley, Division of Natural Resources, at (505) 863-8204.

Sincerely,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Regional Director, Navajo

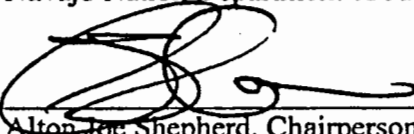


MEMORANDUM

DATE : November 28, 2017

TO : Mariana Kahn Legislative Counsel
23rd Navajo Nation Council

Latonia Becenti-Johnson, Esq.,
Navajo Nation Department of Justice

FROM : 
Alton Joe Shepherd, Chairperson
Resources and Development Committee

SUBJECT : **Requesting for Review for Legal Sufficiency of Attached Letter Relative to the Re-Issuance of the NPL Grazing Permits**

On November 15, 2017, Resources and Development Committee held their regular meeting at TANCR in Twin Arrows and at that time the Committee had on their agenda the discussion with NPL Grazing Official the re-issuance of NPL grazing permits. At that time the Committee issued a directive to have the attached draft correspondence review for legal sufficiency.

The Department of Agriculture apparently drafted the attached letter to be sent to the BIA-Regional Director Ms. Sharon Pinto. They were seeking the Committee's approval for the letter to be sent to Bureau of Indian Affairs; however, the letter needs to be reviewed by OLC and NNDOJ for legal sufficiency. In the letter it references the Committee accepting the February 3, 2017 memorandum from BIA recommending equal distribution of ten (10) sheep units yearlong stock rate and carrying capacity for all permits issued in NPL Range Unit 1, 2 and 3. The letter from Ms. Sharon Pinto is also attached to assist with the legal review as well.

The Committee is requesting to ensure the legal review of acceptance of the BIA's recommendation is fair and equitable, particularly for all of the people that were enumerated when the permits were cancelled in 1974. Mean while, Committee will not move forward with the reissuance process until the letter is legally reviewed and will await your response on the review. Thank you in advance for your assistance.

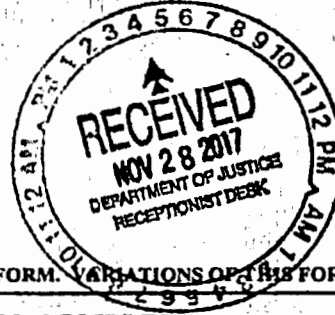
Cc: Levon Henry, Chief Legal Counsel
Ethel Branch, Attorney General



NAVAJO NATION DEPARTMENT OF JUSTICE

COPY

REQUEST FOR SERVICES



DOJ
#1/28/17 3:55pm
DATE / TIME
RFS #: 17-2798
UNIT: DAG
COPY: ECDU

☐ RESUBMITTAL

*** FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE

DATE OF REQUEST: 11-28-17 ENTITY/DIVISION: Legislative Branch
CONTACT NAME: Shammie Begay DEPARTMENT: OLS
PHONE NUMBER: 87254 E-MAIL:

COMPLETE DESCRIPTION OF LEGAL NEED AND SERVICES REQUESTED (attach documents):

Re-issuance of NPL Grazing Permits

DEADLINE: asap REASON: RDC to move forward after legal review

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 11/28/17 @ 4:58p REVIEWING ATTORNEY/ADVOCATE: Latonia Johnson

DATE/TIME OUT OF UNIT: PREPARED BY (initial):

DOJ ATTORNEY / ADVOCATE COMMENTS

REVIEWED BY: (PRINT) DATE / TIME

DOJ Secretary Called: for Document Pick Up on at By:

PICKED UP BY: (PRINT) DATE / TIME:

Revised NNDJ/RFS Form - July 2013

RECEIVED
NOV 28 2017

RECEIVED
NOV 28 2017



Whippoorwill Chapter

P.O. Box 279

Pinon, AZ 86510

Phone #: (928)725-3727/3728

Fax #: (928)725-3745

Emerson G. Begay, Chapter Manager

Rosabelle Charley, Administrative Assistant

Jimmy Yellowhair, Council Delegate Gerald Ahasteen, President Dennis H. Tom, Vice-President Peter Sage, Secretary/Treasurer



RESOLUTION OF THE WHIPPOORWILL CHAPTER

Resolution No. WC-19-59

REQUESTING THE RESOURCE AND DEVELOPMENT COMMITTEE, NAVAJO NATION COUNCIL TO RESCIND RESOLUTION RDCMA-27-18 DATED NOVEMBER 21ST, 2018, CONCURRING AND APPROVING THE ISSUANCE OF GRAZING PERMITS CARRYING 10 SHEEP UNITS EACH ON NAVAJO PARTITION LAND AS RECOMMENDED BY THE NAVAJO AREA OFFICE, BUREAU OF INDIAN AFFAIRS AND RESCINDING RESOURCES AND DEVELOPMENT COMMITTEE RESOLUTION RDCT-20-17 AND DIRECTING THE NEZ ADMINISTRATION TO DEVELOP A REPLACEMENT POLICY

WHEREAS:

1. Pursuant to Title 26 NNC, Section B-1&2 the purpose of the Local Governance Act is to recognize at the local level and to delegate to chapter government with respect to local matters consisted with Navajo Nation laws including costume and tradition and to make decision over local matters; AND
2. Due to unsettled land ownership between the Navajo and Hopi tribe, the Arizona District Court in October 1972, cancelled all Navajo grazing permits in the 1882 Reservation exclusive of Grazing District 6; AND
3. The Navajo Hopi Land Settlement Act, 1974 required the Bureau of Indian Affairs (BIA) to develop a new grazing regulation with the consultation of the Navajo tribe and in November 2003, through the Federal Code of Regulations 25 CFR Part 161 the BIA published regulation to regulate grazing of livestock on the Navajo Partition Land; AND
4. BIA claims numerous meetings were held primarily with the Resources and Development Committee and Navajo Hopi Land Commission of the 23rd Navajo Nation Council and District Grazing Committee seeking advice and recommendations before and after the publication of the rules; AND
5. In February 2017, the BIA Navajo Area Director recommended to the Navajo Nation to issue grazing permits all carrying no more than 10 sheep units to eligible families in Navajo Partition land, BIA claims the recommended number of units was based on range unit inventory reports by Navajo Department of Agriculture and BIA Branch of Natural Resources; AND



Whippoorwill Chapter

P.O. Box 279

Pinon, AZ 86510

Phone #: (928)725-3727/3728

Fax #: (928)725-3745



Emerson G. Begay, Chapter Manager

Rosabelle Charley, Administrative Assistant

Jimmy Yellowhair, Council Delegate

Gerald Ahastern, President

Dennis H. Tom, Vice-President

Peter Sage, Secretary/Treasurer

6. Under the current rule the number of permits which are only good for one year are ridiculous and unhuman and totally ignores the Dine culture and tradition relating to their livestock and will certainly lead to strong defiance against the regulation, in prescient 2 of NPL for example Hardrock chapter is scheduled to receive only 3 permits total 30 sheep, Forest Lake only 2 permits total 20 sheep, Black Mesa 2 permits total 20 sheep, Pinon 7 permits with 70 sheep, Whippoorwill with _____ permits, Low Mountain with _____ permits and Blue Gap with _____ permits, however under 25 CFR Section 161.302 permits can carry up to 350 sheep units, the BIA and the Navajo Nation totally ignored that option and chose the lowest possible units; AND
7. The current plan did not consider allowing cattle growers an option to place their cattle on those ranches acquired by the Navajo Nation; AND
8. Prescient 1 and 3 appears to be are satisfied with the current plan and the Navajo Nation should issue those permits to those families identified; AND
9. Further, under the current requirements eligibility as approved by the Resources and Development Committee, NNC Resolution RDCF-20-17 to be considered for permits are very confusing and very difficult to meet many of the requirements; AND
10. Local NPL residents did not have a fair consultation allowing an effective and meaningful input in the process, meeting agenda were very restricted and controlling and did not allow any flexibility and the number of meetings were not enough; AND
11. Under 25 CFR, Section 161.2, subsection (a)(2) effective April 1981, the Navajo Nation has jurisdiction and authority over any lands partitioned to it and over all persons on these lands and under Section 161.101, subsection (a) the BIA will recognize and comply with tribal laws regulating activities on NPL including tribal laws relating to land use, environmental protection, and historic and cultural preservation; AND
12. The Navajo Nation Fundamental Law, under Title I of the Navajo Nation Code was totally ignored during the entire process, local residents tried to raise the issue but were not understood and considered by hearing panels; AND
13. It would be in the best interest of all concern to rescind Navajo Nation Council resolution dated November 21, 2018 which approved the recommendation of the Navajo Area BIA regard NPL grazing permits and to have the Nez administration to work with local residents and develop a replacement rule.

NOW THEREFORE BE IT RESOLVED THAT:



Whippoorwill Chapter

P.O. Box 279

Pinon, AZ 86510

Phone #: (928)725-3727/3728

Fax #: (928)725-3745

Emerson G. Begay, Chapter Manager

Rosabelle Charley, Administrative Assistant

Jimmy Yellowhair, Council Delegate Gerald Ahasteen, President Dennis H. Tom, Vice-President Peter Sage, Secretary/Treasurer

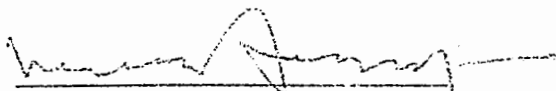
The Whippoorwill Chapter hereby request the Resource and Development Committee, Navajo Nation Council to rescind RDCMA-27-18 resolution dated November 21, 2018 which concurred and approved the issuance of grazing permits carrying no more than 10 sheep units year long for Navajo Partition land as recommended by the Navajo Area Office, Bureau of Indian Affairs and to rescind Resources and Development Committee, NNC resolution RDCF-20-17 which approved the eligibility requirements to qualify for permits and direct the Nez administration to develop a replacement policy with the involvement of the local NPL residence the new policy should also give an option to cattle growers to place their cattle on ranches purchase and owned by the Navajo Nation.

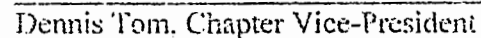
CERTIFICATION

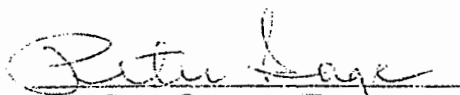
We, the undersigned certify the foregoing resolution was presented to the Whippoorwill Chapter at a duly called meeting at the Whippoorwill, Navajo Nation, Arizona, at which a quorum was present that same day and was passed by a vote of 25 in FAVOR, 00 OPPOSED and 01 ABSTAINED on the 26 day of July 2019.

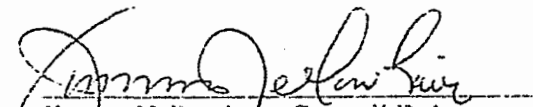
Motion By: Johansen Lapahie

Second By: Virginia Joe


Gerald Ahasteen, Chapter President


Dennis Tom, Chapter Vice-President


Peter Sage, Secretary/Treasurer


Jimmy Yellowhair, Council Delegate

**RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL**

FOURTH YEAR 2022

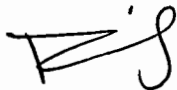
**ROLL CALL
VOTE TALLY SHEET**

LEGISLATION #0199-22: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; RESCINDING RDCMA-27-18 WHICH ACCEPTED THE BUREAU OF INDIAN AFFAIRS RECOMMENDATION OF THE GRAZING CAPACITY OF EQUAL DISTRIBUTION OF TEN (10) SHEEP UNIT YEAR LONG (SUYL) FOR THE NAVAJO PARTITIONED LANDS; RECOMMENDING TO THE BUREAU OF INDIAN AFFAIRS THE MODIFICATION OF CARRYING CAPACITIES AND STOCKING RATES IN THE NAVAJO PARTITIONED LANDS WITH ATTENTION TO DINÉ TRADITIONAL LAW; AND RECOMMENDING TO THE BUREAU OF INDIAN AFFAIRS EQUAL DISTRIBUTION OF FIFTY (50) SHEEP UNIT YEAR LONG (SUYL) FOR THE NAVAJO PARTITIONED LANDS. *Sponsor: Honorable Jimmy Yellowhair Co-Sponsor: Honorable Kee Allen Begay, Jr*

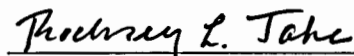
Date: October 26, 2022 – Regular Meeting (Teleconference)
Location: Resources and Development Committee also called in via teleconference from their location within the boundary of the Navajo Nation.

Main Motion:

M: Kee Allen Begay, Jr. **S:** Herman M. Daniels **V:** 5-0-1 (CNV)
In Favor: Thomas Walker, Jr.; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland; Wilson C. Stewart, Jr.
Opposition: None
Excused: None
Not Voting: Rickie Nez, *Chairperson*



Honorable Rickie Nez, *Chairperson*
Resources and Development Committee



Rodney L. Tahe, *Legislative Advisor*
Office of Legislative Services