

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0296-16

**DATE:** July 13, 2016

**TITLE OF RESOLUTION:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES; RESCINDING NABIAP-24-16, THE NAABIK'ÍYÁTI' RESOLUTION WHICH ESTABLISHED THE NAVAJO NATION POSITION WITH REGARDS TO THE FORT WINGATE DEPOT ACTIVITY LAND DIVISION BETWEEN THE NAVAJO NATION AND THE ZUNI PUEBLO

**PURPOSE:** This resolution, if approved, will rescind NABIAP-24-16, the Navajo Nation's position with regard to the Fort Wingate Depot Activity lands and the discussion with the Zuni Pueblo leadership on mapping errors in H.R. 1028 and other concerns of both Tribes.

**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.**

OLC No. 16-436-1

5-DAY BILL HOLD PERIOD: None  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 9/5/2016  
Eligible for Action: 9/6/2016

Resources & Development Committee

THENCE

Naa'bik'íyáti' Committee

PROPOSED STANDING COMMITTEE RESOLUTION  
23<sup>rd</sup> NAVAJO NATION COUNCIL – Second Year, 2015

INTRODUCED BY

  
\_\_\_\_\_  
(Prime Sponsor)

TRACKING NO. 0296-16

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI'  
COMMITTEES; RESCINDING NABIAP-24-16, THE NAABIK'ÍYÁTI' RESOLUTION  
WHICH ESTABLISHED THE NAVAJO NATION POSITION WITH REGARDS TO  
THE FORT WINGATE DEPOT ACTIVITY LAND DIVISION BETWEEN THE  
NAVAJO NATION AND THE ZUNI PUEBLO

BE IT ENACTED:

Section One. Authority

- A. The Resources and Development Committee is established as a standing committee of the Navajo Nation Council and shall exercise oversight authority over environment, environmental protection, cultural resources, for the purpose of establishing 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. 2 N.N.C. § 500 (A), (C)(1).
- B. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and gave the Naabik'íyáti' Committee the power to coordinate all federal programs with other standing committees and branches of the Navajo Nation government to provide the most efficient delivery of services to the Navajo Nation and to assist and coordinate all requests for information, appearances

1 and testimony relating to proposed federal legislation impacting the Navajo Nation. 2  
2 N.N.C. §§ 700(A), 701(A)(4)(6).  
3

4 Section Two. Findings

5 A. In April 2016 the Naabik'íyáti' Committee considered and passed Resolution  
6 NABIAP-24-16 which, in addition to other matters, established the position of the  
7 Navajo Nation with regard to the Fort Wingate Depot Activity lands and authorized  
8 the Speaker of the Navajo Nation Council and assigned legislative staff to continue  
9 discussion with the Zuni Pueblo leadership on the division of the Fort Wingate Depot  
10 Activity lands. See NABIAP-24-16 attached as Exhibit A.

11 B. Resolution NABIAP-24-16 also responded to the proposed Congressional bill, H.R.  
12 1028 and resolved that:

13 *The Navajo Nation's position with regard to the Fort Wingate Depot Activity lands*  
14 *and the proposed H.R. 1028 bill include:*

15 *1) Use of the installation access road as a clear boundary for both Tribes.*

16 *2) Address Zuni's concern regarding access to the frontage road.*

17 *3) Correction of mapping errors in the map attached to H.R. 1028;*

18 and that the Navajo Nation does not support the amendment to H.R. 1028, section  
19 3(a), regarding the easement, permit rights, and access to utility service providers;  
20 additional terms in Resolution NABIAP-24-16 included directives to the Speaker and  
21 assigned legislative staff to consider additional terms listed in discussion with Zuni  
22 leadership:

23 *1) No gaming on FWDA lands.*

24 *2) Federal funding for complete clean-up of the FWDA lands.*

25 *3) A directive to the U.S. Bureau of Land Management to conduct a legal survey of*  
26 *the FWDA lands at the expense of the federal government.*

27 *4) Recognize the authority of both Tribes to negotiate with the Missile Defense*  
28 *Agency or any other entity that proposes an easement for rights-of-way or leasing of*  
29 *FWDA lands.*

30 *5) Both Tribes have access to existing paved and gravel roads and rail lines,*

1       6) *Assuring compliance with the National Historic Preservation Act and the Native*  
2       *American Graves Protection and Repatriation Act to protect historic buildings,*  
3       *cultural properties that include burial sites for each Tribe on the FWDA lands, and*

4       7) *Allow for Congress to authorize the U.S. Secretary of the Interior to approve any*  
5       *further exchanges or sale of the partitioned lands between the Tribes.*

6       C. The Iyanbito Chapter, in response to NABIAP-24-16, considered and adopted a  
7       Chapter resolution respectfully requesting the Naabik'íyáti' Committee to rescind  
8       Resolution NABIAP-24-16 and also stated the voice of the Grassroots People must be  
9       heard, decisions must be made wisely with honorable discussion while upholding the  
10      public trust and integrity bestowed upon the public servants of the Navajo People.  
11      *See Iyanbito Chapter resolution ICH-67-05/16-001, May 4, 2016, attached as Exhibit*  
12      *B.*

13      D. The Iyanbito Chapter resolution is based on the stance of the grassroots people  
14      strongly and firmly declaring the Fort Wingate land as Navajo Land and must be  
15      rightly returned to the Navajo People and that the oral history, historical records,  
16      official in-depth archeological studies, Navajo DNA and physiological records clearly  
17      connect and bind the Navajo People to the Fort Wingate lands. *See Exhibit B.*

18  
19      SECTION TWO. Rescinding NABIAP-24-16

20      The Navajo Nation hereby rescinds NABIAP-24-16, An Action Relating to  
21      Resources and Development and Naabik'íyáti' Committees; Establishing The Navajo  
22      Nation Position With Regards To The Fort Wingate Depot Activity Land Division  
23      Between The Navajo Nation And Zuni Pueblo.