

RESOLUTION OF THE
NAABIK'ÍYÁTI' COMMITTEE OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL - Second Year, 2016

AN ACT

RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI'
COMMITTEES; PROTECTING DINÉ SACRED, TRADITIONAL, CULTURAL AND
BURIAL SITES ON FORT WINGATE DEPOT LANDS

WHEREAS:

- A. Pursuant to 2 N.N.C. § 500(A), the Resources and Development Committee is hereby established as a standing committee of the Navajo Nation Council.
- B. Pursuant to 2 N.N.C. §500(C)(1), the Resources and Development Committee shall exercise oversight authority over environment, environmental protection, cultural resources for the purpose 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.
- C. Pursuant to 2 N.N.C. §§ 700(A), 701 (A)(4), the Navajo Nation 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.
- D. The Navajo Nation has a government-to-government relationship with the United States government.
- E. The Native American Graves Protection and Repatriation Act (NAGPRA), enacted in November 1990, generally, protects burial sites, cultural items, sacred objects and cultural patrimony objects for Native Americans and Native Hawaiians. See <http://uscode.house.gov>, 25 USC 3001-3013: Native American Graves Protection and Repatriation.

F. The Fort Wingate Depot Activity ("FWDA") is located east of Gallup, New Mexico and borders the Navajo Nation; the Navajo People have lived upon and used these lands for our ceremonies since time immemorial.

G. The Final Draft, Diné Traditional Cultural Property Inventory at Fort Wingate Depot Activity states:

"FWDA as a whole is part of Diné Bikéyah (Navajoland) and is connected to and embedded in Diné sacred geographies. As such, it is part of a Diné traditional cultural landscape and is recommended eligible for inclusion on the NRHP (National Register of Historic Places) as an historic district TCP (Traditional Cultural Property). Three component landscapes at FWDA that also function as contributing elements to this historic district were identified during the TCP Inventory and are additionally recommended eligible for inclusion on the NRHP, as are the known 187 hogans, 107 sweathouses, 203 livestock corrals, 329 Anasazi sites, and six shrines/offering locations. Other contributing elements identified, inventoried, and evaluated for inclusion on the NRHP include culturally and religiously significant water features, historical hunting, agricultural, and herding areas, mineral and plant gathering locations, burial sites, and offering material sites. Because of the historical and cultural significance and integrity of association the Diné have with FWDA lands, their natural and cultural features and resources, it is vital that all future actions and cleanup efforts take into account Diné values, understandings, and beliefs through regular and continual consultation during the FWDA cleanup process." See Final Draft attached as Exhibit A.

H. The Former Fort Wingate Depot Activity negotiated property division is prepared as U.S. House Bill H.R. 1028 which will provide for the implementation of the negotiated property division of FWDA between the Navajo Nation and the Zuni Pueblo.

I. The Navajo Nation's position is to protect all Navajo sacred, traditional, cultural, and burial sites on all lands in and surrounding the Navajo Nation.

J. The Fort Wingate Depot Activity (FDWA) "inventories revealed a prominent Navajo Presence at FWDA and resulted in the location of hundreds of associated Navajo resources. The Navajo Nation

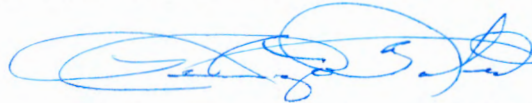
Archaeology Department completed an in-depth interview process with past and present residents of the FWDA and surrounding communities. In addition, HDR an environmental and cultural resources firm completed an additional study and documented hundreds of Navajo places and TCPs as well." See HPD memo, April 5, 2016 attached as Exhibit B.

NOW THEREFORE BE IT RESOLVED:

- A. The Navajo Nation hereby urges the U.S. Congress to abide by the Native American Graves Protection and Repatriation Act for the protection of Navajo sacred, traditional, cultural, and burial sites on the Former Fort Wingate Depot Activity.
- B. The Navajo Nation supports the proposition that the Tribal Historic Preservation Officer (THPO) negotiate a cultural resources management plan with Zuni's THPO to protect and manage Navajo cultural resources in a culturally appropriate manner as part of larger negotiations with Zuni in order to make historic sites.
- C. The Navajo Nation authorizes the Navajo Nation President and the Navajo Nation Speaker, along with their agents and appropriate Navajo Nation Divisions and Programs, to support the position of the Navajo Nation in protecting Navajo sacred, traditional, cultural, and burial sites on the Former Fort Wingate Depot Activity and to ensure complete access to the sites by Navajo People.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 23rd Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 13 in favor, 01 oppose, this 7th day of April, 2016.



LoRenzo C. Bates, Chairperson
Naabik'íyáti' Committee

Motion: Honorable Jonathan Perry
Second: Honorable Nathaniel Brown



FINAL REPORT
DINÉ TRADITIONAL CULTURAL PROPERTY INVENTORY
AT FORT WINGATE DEPOT ACTIVITY

Fort Wingate Depot Activity
McKinley County, New Mexico

13 February 2014

Contract Number: W9126G-09-D-0028

Delivery Order Number: 0028

Prepared for:



U.S. Army Corps of Engineers
819 Taylor St,
Fort Worth, TX 76102

Prepared by:



HDR Environmental, Operations and Construction
8690 Balboa Avenue, Suite 200
San Diego, CA 92123

EXECUTIVE SUMMARY

This report presents a United States Army Corps of Engineers (USACE), Ft. Worth District Office (Army) commissioned inventory of Diné (Navajo) Traditional Cultural Properties (TCPs) at Fort Wingate Depot Activity (FWDA), McKinley County, New Mexico. Under Task Order 0028 and Contract Number W9126G-11-D-0069-0028, USACE commissioned HDR Inc. to perform this inventory and evaluate Diné TCPs at FWDA for their National Register of Historic Places (NRHP) eligibility. The baseline information on Diné TCPs provided in this report will help USACE and the Base Realignment and Closure Commission (BRAC) National Environmental Policy Act (NEPA) Support Team partially fulfill their legal, programmatic, and regulatory obligations, including consultation with the Navajo Nation, in their ongoing and future planning for cleanup and closure actions at FWDA.

As part of the TCP Inventory, the HDR ethnography team conducted interviews and ethnographic fieldwork at FWDA in coordination with the Navajo Historic Preservation Department (NHPD) and 33 Diné representatives from four Navajo Chapter houses and the Diné Hataalii Association (DHA). An in-depth literature review, examination of available FWDA cultural resources reports, and archival and records searches were also performed during the course of the TCP Inventory. This multi-faceted ethnohistorical and ethnographic research resulted in the identification and documentation of 874 Diné TCPs and 4 landscapes at FWDA that are either recommended eligible for inclusion on the NRHP or for which eligibility status cannot yet be determined.

FWDA as a whole is part of *Diné Bikéyah* (Navajoland) and is connected to and embedded in Diné sacred geographies. As such, it is part of a Diné traditional cultural landscape and is recommended eligible for inclusion on the NRHP as an historic district TCP. Three component landscapes at FWDA that also function as contributing elements to this historic district were identified during the TCP Inventory and are additionally recommended eligible for inclusion on the NRHP, as are the known 187 hogans, 107 sweathouses, 203 livestock corrals, 329 Anasazi sites, and six shrines/offering locations. Other contributing elements identified, inventoried, and evaluated for inclusion on the NRHP include culturally and religiously significant water features, historical hunting, agricultural, and herding areas, mineral and plant gathering locations, burial sites, and offering material sites. Because of the historical and cultural significance and integrity of association the Diné have with FWDA lands, their natural and cultural features and resources, it is vital that all future actions and cleanup efforts take into account Diné values, understandings, and beliefs through regular and continual consultation during the FWDA cleanup process.



THE NAVAJO NATION


RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

April 5, 2016

MEMORANDUM



TO: Honorable Members of the Resources and Development Committee
23rd Navajo Nation Council

FROM: 
Ora Marek Martinez, Ph.D., Department Manager III
Tribal Historic Preservation Officer
Historic Preservation Department

RE: Navajo Cultural Resources Information as located within Fort Wingate Depot Activity

The Navajo Nation Historic Preservation Department¹ (HPD) is providing this update in regards to the negotiation of lands for the Fort Wingate Depot Activity (FWDA). The Historic Preservation Department has been working on compiling background information in order to produce a comprehensive overview of the Navajo cultural resources located through various archaeological and ethnographic inventories at FWDA. The background information resulted in the following list of resources identified and the creation of the attached map of previously documented resources.

The FWDA inventories revealed a prominent Navajo presence at FWDA and resulted in the location of hundreds of associated Navajo resources. The Navajo Nation Archaeology Department completed an in-depth interview process with past and present residents of the FWDA and surrounding communities. In addition, HDR an environmental and cultural resources firm completed an additional study and documented hundreds of Navajo places and TCPs as well. The underlying consensus amongst Navajos interviewed and of the researchers conducting the work is that the FWDA represents a mostly Navajo occupation dating from prehistoric to historic times.

Ms. Melinda Ciocco prepared the following breakdown from both reports:

HDR Report Findings: Usage- 3 medicine people were contacted and the local Chapter house (Church Rock) community and officials were also contacted. Below is the summary of findings within this report. The Hogback component landscape within the FWDA is recommended eligible as a TCP under Criterion A. According to this report and findings, the first talk of Zuni tribe is affiliated to a rivalry during the Civil War Era. This report consisted of a Breadsprings landscape assessment and found the following information- evidence of painted peaks, high ranges, the rangelands of the hogbacks are merit a Traditional Cultural Property (TCP) designation.

- 187 hogan sites

¹ Per the Navajo Nation Cultural Resources Protection Act (CMY-19-88) §1004, HPD shall be the Navajo Nation's agency responsible for the protection, preservation and management planning for the Navajo Nation's cultural resources. The department shall be directed by the Navajo Nation Historic Preservation Officer (hereafter referred to as the "Preservation Officer") who shall advise the President of the Navajo Nation, the Navajo Nation Tribal Council, the divisions, departments, programs, agencies, authorities, enterprises and any other instrumentalities of the Navajo Nation, the federal, state and local governments, private organizations and individuals on matters pertaining to cultural resource preservation to achieve the goals of this Act on Navajo lands, and on lands in which the Navajo people have a historical interest.



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

Memo to RDC Committee

April 5, 2016

Page 2 of 2

HDR Report Findings: continued

- 107 sweatlodge sites
- 203 livestock corrals
- 329 Anasazi sites
- 6 shrines/offering sites

The recommendations of local herb listings of plants within the area described in the Breadsprings landscape assessment can be utilized as a means of reseeding and/or revegetation of this parcel located throughout the landscape:

- Winterfat Eurotia Lanata
- Rice Grass Oryopsis Hymenoides
- Sand drop seed Sporobolus Cryptandrus
- Grass bush, four wing saltbrush
- Joint Fir Ephedra Key Forage Species.

Thus out of 14 recommendations, six of them are categorical exclusions that meet the criteria as a TCP eligibility or NRHP, component landscape, and the rest of them were undetermined. The report entailed much of the landscape architectural assessment combined with brief descriptions of ethnographic interviews. There was very little detail of the ethnographic interviews, as the report focused more on the landscape assessment. It was recommended by HDR that US Army Corps of Engineers nominate the FWDA as a TCP district.

NNAD Report Findings: NNAD interviewed several families and individuals to obtain the following information on the Navajo resources contained within the FWDA.

- 114 TCPS, and burials
- 23 burial locations and 1 general area containing numerous unmarked burial locations associated with the Navajo
- 3 offering places
- 1 plant gathering area
- 86 sweat lodges

The FWDA represents an important and critical piece of Navajo history for both prehistoric and historic time periods. The amount of resources located represents a strong and continual Navajo presence at FWDA. Therefore, taking into consideration comments received from Delegate Tsosie to protect TCPs and burials within FWDA, HPD is recommending that the Navajo Nation request that the Tribal Historic Preservation Officer (THPO) negotiate a cultural resources management plan with Zuni's THPO to protect and manage Navajo cultural resources in a culturally appropriate manner as part of the larger negotiations with Zuni.

If you have any questions or require additional information you may contact me at (928)871-7198.

Encl. HDR Report, NNAD Report
FWDA Cultural Resources Map

NAVAJO NATION

RCS# 367

4/7/2016

Naa'bik'iyati Committee

02:28:31 PM

Amd# to Amd#

Legislation No. 0082-16

PASSED

MOT Perry

Protecting Dine' Sacred,

SEC Brown

Traditional, Cultural & Burial

Sites on Fort Wingate Depot Land

Yea : 13

Nay : 1

Not Voting : 10

Yea : 13

Begay, NM

Chee

Daniels

Jack

BeGaye, N

Crotty

Filfred

Perry

Bennett

Damon

Hale

Yazzie

Brown

Nay : 1

Tsosie

Not Voting : 10

Bates

Pete

Slim

Tso

Begay, K

Phelps

Smith

Witherspoon

Begay, M

Shepherd