

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

23RD Navajo Nation Council - Third Year, 2017

AN ACTION

RELATING TO NAABIK'İYATI' COMMITTEE; OPPOSING THE PASSAGE OF THE
UTAH CONCURRENT RESOLUTION H.C.R. 11 OF THE 2017 GENERAL SESSION
OF THE STATE OF UTAH URGING THE PRESIDENT TO RESCIND THE BEARS
EARS NATIONAL MONUMENT DESIGNATION

WHEREAS:

Section One. Authority

- A. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation Council standing committee and as such empowered the Naabik'iyáti' Committee, in part, "To assist and coordinate all requests for information, appearances and testimony related to proposed county, state and federal legislation impacting the Navajo Nation." 2 N.N.C. § 701 (A) (6).

Section Two: Findings

- A. Utah Concurrent Resolution, H.C.R. 11, (Chief Sponsor Gregory H. Hughes, Senate Sponsor Wayne L. Niederhauser) was introduced into the 2017 General Session in the State of Utah Legislature and is attached hereto as Exhibit "A".
- B. Utah Concurrent Resolution H.C.R. 11, resolves that the Legislature and the Governor of the State of Utah strongly urge the President of the United States to rescind the Bears Ears National Monument designation.
- C. Utah Concurrent Resolution H.C.R. 11 cites the unemployment rate of Navajos in San Juan County to imply the Navajo Nation would benefit from the rescission of the Bears Ears National Monument Designation. See Exhibit "A" page 4, lines 94-95.
- D. Utah Concurrent Resolution H.C.R. 11 alleges "...local Native American tribes fear that wood cutting, pinion gathering, traditional religious and cultural practices, and host of other historical use of the areas will be restricted or entirely prohibited;" See Exhibit "A" at page 4, lines 104-106.

- E. In direct opposition to Utah Concurrent Resolution H.C.R. 11, the Navajo Nation expressed its support of the Bears Ears National Monument Designation by adopting Resolution NABIJA-01-17 "Supporting the Proclamation Establishing the Bears Ears National Monument by the President of the United States Barack Obama and Oppose Congressional Action to Reverse the Presidential Proclamation." on January 5, 2017. See Exhibit "B".
- F. The United States President's Proclamation states, "For hundreds of generations, native peoples lived in the surrounding deep sandstone canyons, desert mesas, and meadow mountaintops, which constitute one of the densest and most significant cultural landscapes in the United States. Abundant rock art, ancient cliff dwellings, ceremonial sites, and countless other artifacts provide an extraordinary archaeological and cultural record that is important to us all, but most notably the land is profoundly sacred to many Native American tribes, including the Ute Mountain Ute Tribe, Navajo Nation, Ute Indian Tribe of the Uintah Ouray, Hopi Nation, and Zuni Tribe." See Proclamation by the President of the United States of America, Establishment of the Bears Ears National Monument.
- G. Resolution NABIJA-01-17 found that "The Protection of the Bears Ears area will preserve its cultural, prehistoric, and historic legacy and maintain its diverse array of natural and scientific resources, ensuring that the prehistoric, historic and scientific values of this area remain for the benefit of all Americans." See Exhibit "B" at Section F.
- H. The Navajo Nation finds it in the best interest of the Navajo People to oppose the adoption of Utah Concurrent Resolution H.C.R. 11 which calls for the State of Utah to urge President Trump to rescind the Bears Ears National Monument designation.
- I. Resolution NABIJA-01-17 found that "The Navajo Nation opposes any further congressional action to reverse the presidential proclamation in establishing the Bears Ears National Monument." See Exhibit "B" at Section I.
- J. Resolution NABIJA-01-17 found that "The people of Utah include many Native American tribes and to undo the designation would

not honor the will of the people of Utah." See Exhibit "B" at Section J.

K. The Navajo Nation pursuant to 1 N.N.C. § 205 specifically states Diné Natural Law declares and teaches that:

- a. The four sacred mountains elements of life, air, light/fire, water and earth/pollen in all their forms must be respected, honored and protected for they sustain life, and
- b. The six sacred mountains, Sisnaajini, Tsoodzil, Dook'o'oosliid, Dibé Nitsaa, Dził Na'oodiíí, Dził Ch'ool'í'í, and all the attendant mountains must be respected, honored and protected for they, as leaders, are the foundation of the Navajo Nation; and
- c. 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.
- d. The Diné have the sacred obligation and duty to respect, preserve and protect all that was provided for we are designated as the steward for these relatives through our use of the sacred gifts of language and thinking; and
- e. Mother Earth and Father Sky is part of us as the Diné and the Diné is part of Mother Earth and Father Sky; The Diné must treat this sacred bond with love and respect without exerting dominance for we do not own our mother or father; and
- f. The rights and freedoms of the people to the use of the sacred elements of life as mentioned above and to the use of land, natural resources, sacred sites and other living beings must be accomplished through the proper protocol of respect and offering and these practices must be protected and preserved for they are foundation of our spiritual ceremonies and the Diné life way; and
- g. It is the duty and responsibility of the Diné to protect and preserve the beauty of the natural world for future generations.

L. The Utah Concurrent Resolution H.C.R. 11 states, "[Whereas], San Juan County Commissioner Rebecca Benally, whose constituency includes members of the Navajo Nation who live in San Juan County, and the entire San Juan County Commission, opposed the monument designation and unanimously passed a resolution expressing their opposition." The Navajo Nation government specifically the Naabik'iyáti' Committee through the authority of the Navajo Nation Council enact policy statements on behalf of the Navajo Nation and Navajo People, not the San Juan County Commissioner.

NOW THEREFORE, BE IT RESOLVED:

- A. The Navajo Nation reaffirms its' position supporting the proclamation establishing the Bears Ears National Monument by the President of the United States, Barack Obama, and opposing further congressional action to reverse the Presidential Proclamation. See NABIJA-01-17.
- B. The Navajo Nation opposes Utah Concurrent Resolution H.C.R. 11 because the state legislation misstates the circumstances of the Navajo Nation, the state legislation misinterprets Native Americans support for the Bears Ears designation and, above all, there was no prior consultation with Navajo leadership.
- C. The Navajo Nation hereby authorizes the Navajo Nation President, the Navajo Nation Speaker, the Navajo Nation Chief Justice and their designees, to oppose the passage of Utah Concurrent Resolution H.C.R. 11 "Urging the President To Rescind the Bears Ears National Monument Designation".

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'iyáti' 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 18 in favor and 0 oppose, this 13th day of April, 2017.



Honorable LoRenzo C. Bates, Chairperson
Naabik'iyáti' Committee

Motion: Honorable Jonathan L. Hale
Second: Honorable Edmund Yazzie

23rd Navajo Nation Council

Naabik'iyati' Committee

Thursday, April 13, 2017

LEGISLATION #	0005-17
<u>MAIN:</u> m.) J Hale s.) E Yazzie	

ALL DELEGATES:

	Yea	Nay	BFC	HEHSC	LOC	RDC	Speaker
BATES, LoRenzo							
BEGAY, Kee Allen Jr.							
BEGAY, Norman M.	✓						
BEGAY, Steven	✓						
BEGAYE, Nelson	✓						
BENNETT, Benjamin L.	✓						
BROWN, Nathaniel	✓						
CHEE, Tom T.	✓						
CROTTY, Amber K.	✓						
DAMON, Seth	✓						
DANIELS, Herman M.	✓						
FILFRED, Davis	✓						
HALE, Jonathan L.	✓						
JACK, Lee Sr.	✓						
PERRY, Jonathan	✓						
PETE, Leonard H.							
PHELPS, Walter	✓						
SHEPHERD, Alton Joe							
SLIM, Tuchoney Jr.							
SMITH, Raymond Jr.	✓						
TSO, Otto	✓						
TSOSIE, Leonard	✓						
WITHERSPOON, Dwight							
YAZZIE, Edmund	✓						
GRAND TOTAL	18	0					

CERTIFICATION:



Honorable LoRenzo Bates
Speaker



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H.C.R. 11

1 **CONCURRENT RESOLUTION URGING THE PRESIDENT TO**
2 **RESCIND THE BEARS EARS NATIONAL MONUMENT**
3 **DESIGNATION**

4 2017 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Gregory H. Hughes**

7 Senate Sponsor: Wayne L. Niederhauser

9 **LONG TITLE**

10 **General Description:**

11 This concurrent resolution urges the President of the United States to rescind the Bears
12 Ears National Monument designation.

13 **Highlighted Provisions:**

14 This resolution:
15 ▸ expresses strong opposition to the Bears Ears National Monument designation; and
16 ▸ urges the President of the United States to rescind the Bears Ears National
17 Monument.

18 **Special Clauses:**

19 None

21 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

22 WHEREAS, the state of Utah is a public lands state, committed to conservation and
23 continued recreational access for hunters, anglers, campers, and other recreationists, as well as
24 allowing for productive uses, including agriculture, timber production, and energy and natural
25 resource development;

26 WHEREAS, the Legislature and the Governor are committed to the health, protection,
27 preservation, and productivity of, and access to, the public lands within our state;

28 WHEREAS, roughly 66% of the land within the sovereign state of Utah is presently
29 controlled by the federal government;

WHEREAS, 38 non-western states in the Union govern and exercise their constitutional jurisdiction over virtually all the land within their borders, and the legislatures and the governors of those states tend to the health, safety, and welfare of their citizens;

WHEREAS, on December 28, 2016, President Barack Obama designated the Bears Ears National Monument, limiting public access to 1.35 million acres in San Juan County, Utah;

WHEREAS, every member of Utah's congressional delegation publically opposed the designation of the Bears Ears National Monument;

WHEREAS, the designation of the Bears Ears National Monument sets a dangerous precedent of allowing special interest groups to unduly influence the monument designation process and silence local voices;

WHEREAS, local Native American groups with historical ties to the area have passed resolutions opposing the designation of the Bears Ears National Monument;

WHEREAS, San Juan County Commissioner Rebecca Bennally, whose constituency includes members of the Navajo Nation who live in San Juan County, and the entire San Juan County Commission, opposed the monument designation and unanimously passed a resolution expressing their opposition;

WHEREAS, every city council in San Juan County has passed a resolution opposing the designation of the Bears Ears National Monument;

WHEREAS, counties across the state have passed resolutions standing unitedly with San Juan County in opposition to the Bears Ears National Monument;

WHEREAS, every member of the Utah State Legislature representing San Juan County opposed the designation of the Bears Ears National Monument;

WHEREAS, the Legislature passed a resolution last summer expressly opposing the creation of the Bears Ears National Monument, with the Governor concurring therein;

WHEREAS, Governor Gary R. Herbert wrote to the President of the United States in August 2015 and in February 2016 urging him not to use the Antiquities Act to designate another national monument in Utah;

58 WHEREAS, Governor Gary R. Herbert noted that another monument designation
59 would "inflame passion, spur divisiveness, and ensure perpetual opposition";

60 WHEREAS, the Antiquities Act limits a presidential monument designation to the
61 "smallest area compatible with proper care and management of the objects to be protected";

62 WHEREAS, the Bears Ears National Monument is almost twice the size of the state of
63 Rhode Island;

64 WHEREAS, once-thriving rural Utah communities and their citizens are suffering
65 economic deprivation at the hand of their own federal government, which a national monument
66 tourism economy fails to alleviate;

67 WHEREAS, the power granted to the President to designate national monuments under
68 the Antiquities Act has been exploited and abused by presidents of both parties for over a
69 century;

70 WHEREAS, newly designated monuments averaged 15,573 acres in 1906 when the
71 Antiquities Act was signed into law but, in the year 2016, have averaged 739,305 acres, which
72 is more than 47 times the size of those created 110 years ago;

73 WHEREAS, because only western states have large areas of federal land within their
74 borders, use of the Antiquities Act by presidents to designate millions of acres of land as
75 national monuments disparately impacts western states;

76 WHEREAS, Utah is 50th in the nation in per pupil spending due to the large portion of
77 the state that is held as federal land and not subject to property tax;

78 WHEREAS, considerable funding for the Utah public education system comes from the
79 responsible development of our abundant natural resources and other economic uses of our
80 public lands;

81 WHEREAS, continued opportunity for multiple uses of our public lands is vital to the
82 economies of San Juan County and the state of Utah, providing tax revenue that supports
83 students' education statewide;

84 WHEREAS, within the sweep of President Obama's Bears Ears National Monument
85 designation is 109,000 acres of school and institutional trust land designated to produce

86 funding for our school children;

87 WHEREAS, Utah is already home to five national parks and seven national
88 monuments;

89 WHEREAS, all or part of four national monuments, one national park, and one national
90 recreation area are located in San Juan County;

91 WHEREAS, San Juan County, despite the presence of these national monuments,
92 parks, and recreation areas, is the poorest county in the state and among the most economically
93 depressed in the nation;

94 WHEREAS, Navajos in San Juan County experience some of the highest rates of
95 unemployment in the state;

96 WHEREAS, rural economies depend on multiple uses of our public lands for
97 sustenance and growth;

98 WHEREAS, the Bears Ears National Monument designation will forever remove the
99 possibility of economic development and decimate the economy of the region with impacts felt
100 around the state;

101 WHEREAS, citizens in rural Utah deserve the equal opportunity to pursue happiness
102 through the protection of their life, liberty, property, and right to determine their own destiny
103 unimpeded by their own federal government;

104 WHEREAS, San Juan County residents, including local Native American tribes, fear
105 that woodcutting, pinion gathering, traditional religious and cultural practices, and a host of
106 other historical uses of the area will be restricted or entirely prohibited;

107 WHEREAS, San Juan County's Natural Bridges National Monument prohibits
108 woodcutting, and grazing has declined by almost a third in Grand Staircase-Escalante National
109 Monument despite a presidential promise that grazing would "remain at historical levels";

110 WHEREAS, the United States Forest Service and Bureau of Land Management, which
111 are charged with managing the Bears Ears National Monument, have a combined deferred
112 maintenance backlog of almost \$6 billion;

113 WHEREAS, these federal land management agencies clearly do not have the funding to

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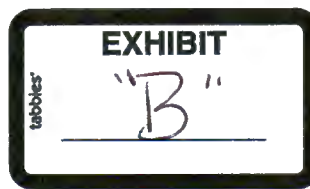
H.C.R. 11

114 maintain the lands for which they are currently responsible; and

115 WHEREAS, Utahns are best positioned to care for and manage our public lands:

116 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
117 Governor concurring therein, strongly urges the President of the United States to rescind the
118 Bears Ears National Monument designation.

119 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of
120 the United States, Utah's congressional delegation, the Secretary of the Department of the
121 Interior, and the Secretary of the United States Department of Agriculture.



NABIJA-01-17

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

23RD Navajo Nation Council - Third Year, 2017

AN ACTION

RELATING TO NAABIK'IYATI'; SUPPORTING THE PROCLAMATION
ESTABLISHING THE BEARS EARS NATIONAL MONUMENT BY THE PRESIDENT
OF THE UNITED STATES BARACK OBAMA AND OPPOSE CONGRESSIONAL
ACTION TO REVERSE THE PRESIDENTIAL PROCLAMATION

WHEREAS:

- A. Statements of policy, enactment of positive law, intergovernmental agreements, budget resolutions, and reallocations, must be reviewed and approved by resolution by the appropriate standing committee(s) and the Navajo Nation Council except as otherwise provided herein. 2 N.N.C. § 164 (A). oppose
- B. The Navajo Nation established the Naabik'iyati' Committee as a Navajo Nation Council standing committee and as such empowered Naabik'iyati' Committee to coordinate all federal programs and to assist and coordinate all requests for information, appearances and testimony relating to federal legislation impacting the Navajo Nation. 2 N.N.C. §§ 164 (A)(9), 700 (A), 701 (A)(4), 701(A)(6) (2015); see also CO-45-12.
- C. The Navajo Nation has a government-to-government relationship with the United States of America, Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.
- D. The Navajo Nation hereby supports the proclamation establishing the Bears Ears National Monument by the President of the United States Barack Obama, attached hereto as **Exhibit A**. See also <https://www.whitehouse.gov>.
- E. Abundant rock art, ancient cliff dwellings, ceremonial sites, and countless other artifacts provide an extraordinary archaeological and cultural record that is important to us all, but most notably the land is profoundly sacred to many Native American tribes, including the Ute Mountain Ute Tribe, Navajo Nation, Ute Indian Tribe of the Uintah Ouray, Hopi Nation, and Zuni Tribe. *Id.*

- F. The Protection of the Bears Ears area will preserve its cultural, prehistoric, and historic legacy and maintain its diverse array of natural and scientific resources, ensuring that the prehistoric, historic and scientific values of this area remain for the benefit of all Americans. *Id.*
- G. The Bears Ears area has been proposed for protection by members of Congress, Secretaries of the Interior, State and tribal leaders, and local conservationists for at least 80 years. *Id.*
- H. The Antiquities Act authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments. 54 U.S.C. §320301 (2014); See also Exhibit B.
- I. The Navajo Nation opposes any further congressional action to reverse the presidential proclamation in establishing the Bears Ears National Monument.
- J. The people of Utah include many Native American tribes and to undo the designation would not honor the will of the people of Utah.
- K. The Navajo Nation finds it in the best interest of the Navajo People to support the proclamation establishing the Bears Ears National Monument by the President of the United States Barack Obama and oppose further congressional action to reverse the presidential proclamation.

NOW THEREFORE, BE IT RESOLVED:

- A. The Navajo Nation hereby authorizes the Navajo Nation President, the Navajo Nation Speaker, the Navajo Nation Chief Justice and their designees, to support the proclamation establishing the Bears Ears National Monument by the President of the United States Barack Obama and to advocate support from the 115th Congress and the Trump Administration to oppose further congressional action to reverse the presidential proclamation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'iyáti' 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 in 19 favor and 0 oppose, this 5th day of January, 2017.

A handwritten signature in black ink, appearing to read 'Lorenzo C. Bates', with a large, stylized initial 'L'.

Honorable Lorenzo C. Bates, Chairperson
Naabik'iyáti' Committee

Motion: Nelson S. BeGaye
Second: Alton Joe Shepherd