LEGISLATIVE SUMMARY SHEET
Tracking No. 0307-19

DATE: October 4, 2019

AN ACTION RELATING TO RESOURCES AND DEVELOPMENT: AMENDING AND UPDATING THE NAVAJO NATION'S NATURAL HERITAGE PROGRAM ENDANGERED SPECIES LIST

PURPOSE: Approving and updating the Navajo Nation's Natural Heritage Program Endangered Species List.

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

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Resources & Development Committee

PROPOSED NAVAJO NATION COMMITTEE RESOLUTION

24TH NAVAJO NATION COUNCIL – First Year, 2019

INTRODUCED BY

(Prime Sponsor) Kee Allen Begay JR

TRACKING NO. 0307-19

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT: AMENDING AND UPDATING THE NAVAJO NATION'S NATURAL HERITAGE PROGRAM ENDANGERED SPECIES LIST

Section One. AUTHORITY

A. The Resources and Development Committee of the Navajo Nation Council exercises oversight authority over wildlife on the Navajo Nation. 2 N.N.C. §500(C)

B. The Navajo Nation Criminal Code protects wildlife, endangered species in particular, on the Navajo Nation,. 17 N.N.C. § 507

C. The Resources and Development Committee of the Navajo Nation Council is charged with developing a list, by regulation, of those species and subspecies of wildlife indigenous to the Navajo Nation which are determined to be endangered within the Navajo Nation giving their common and scientific names by species and subspecies. 17 N.N.C. § 507(A)

Section Two. FINDINGS

A. The Navajo Natural Heritage Program is tasked with maintaining and managing the Navajo Endangered Species List (NESL) as one of its responsibilities under contract with the Department of the Interior, Bureau of Indian Affairs.

B. Under the Navajo Nation Nation Criminal Code wildlife on the Navajo Nation, endangered species on the NESL in particular, are protected. 17 N.N.C. § 507

C. The Resources and Development Committee of the Navajo Nation Council is charged with developing a list, by regulation, of those species and subspecies of wildlife indigenous to the Navajo Nation which are determined to be endangered within the Navajo Nation giving their common and scientific names by species and subspecies. 17 N.N.C. § 507(A)

D. The Navajo Natural Heritage Program has submitted an updated Navajo Endangered Species List. See Exhibit A.

E. The Resources and Development Committee of the Navajo Nation Council finds it to be in the best interest of the Diné to approve the updated Navajo Endangered Species List as submitted by the Navajo Natural Heritage Program and as found at Exhibit A.

Section Three. APPROVAL

The Resources and Development Committee of the Navajo Nation Council hereby approves the updated Navajo Endangered Species List as submitted by the Navajo Natural Heritage Program and as found at Exhibit A.



EXECUTIVE SUMMARY

UPDATE TO THE NAVAJO ENDANGERED SPECIES LIST

April 10, 2019

The Navajo Natural Heritage Program is tasked with maintaining and managing the Navajo Endangered Species List (NESL) as one of its responsibilities under a BIA 638 contract. The NESL is codified under Title 17 of the Navajo Nation Code and any changes to the NESL are subject to the review and approval of the Resources and Development Committee of the Navajo Nation Council.

Attached are the Natural Heritage Program's proposed updates to the NESL for 2018. The proposed changes include the removal of seven species from the NESL, the change of status for two species to "extirpated", the update or change of name to three species, and the uplisting of three species to "endangered" or "threatened" status. The species being removed from the list or relisted as extirpated will no longer be required to be considered under the biological clearance process (The Black-footed Ferret will need to be considered if a recovery population is established by the Navajo Nation, if Ferrets migrate on to Navajo Nation from some future recovery site, or in the unlikely event that a previously undiscovered population were found). One species of fish and two species of plants will be receiving protection under the NESL and new survey and avoidance recommendations will be included in the NESL species accounts following the adoption of the 2018 NESL.

Included in this document are the following:

1) The updated NESL reflecting the proposed changes (this is the document that will become the new NESL)
2) ***Reference or supporting documents***

    a. The current (2008) NESL with proposed changes identified in red
    b. The justifications for each proposed change to the NESL organized by species
    c. Correspondence from relevant biologists or agencies that have reviewed and comment on our proposed changes.
    d. A copy of the Department of Fish and Wildlife's Fisheries Management Plan, which addresses management of the Zuni Bluehead Sucker on the Navajo Nation.

NAVAJO ENDANGERED SPECIES LIST – May 2008 *Scientific name* Common name

GROUP 1:		**UPDATES**
MAMMALS		
Canis lupus	Gray Wolf	
Lontra canadensis	Northern River Otter	X-REMOVE, ADD T0 G4
Ursus arctos	Grizzly or Brown Bear	
FISHES		
Gila elegans	Bonytail	
GROUP 2:		
MAMMALS		
Mustela nigripes	Black-footed Ferret	X- REMOVE, ADD TO G1
BIRDS		
Coccyzus americanus	Yellow-billed Cuckoo	
Empidonax traillii extimus	Southwestern Willow Flycatcher	
Haliaeetus leucocephalus	Bald Eagle	
AMPHIBIANS		
Lithobates pipiens	Northern Leopard Frog	
FISHES		
Gila cypha	Humpback Chub	
Gila robusta	Roundtail Chub	
Ptychocheilus lucius	Colorado Pikeminnow	
Xyrauchen texanus	Razorback Sucker	
Catostomus discobulus jarrowvii	Zuni Bluehead Sucker	X-ADD
PLANTS		
Astragalus cutleri	Cutler's Milk-vetch	
Astragalus humillimus	Mancos Milk-vetch	
Erigeron rhizomatus	Rhizome Fleabane	
Pediocactus bradyi	Brady Pincushion Cactus	
Clerocactus mesae-verdae	Mesa Verde Cactus	
GROUP 3:		
MAMMALS		
Antilocapra americana [1]	Pronghorn [1]	
Ovis canadensis [2]	Bighorn Sheep[2]	X-REMOVE
BIRDS		
Aquila chrysaetos	Golden Eagle	
Buteo regalis	Ferruginous Hawk	
Cinclus mexicanus	American Dipper	
Strix occidentalis lucida	Mexican Spotted Owl	
INVERTEBRATES		
Speyeria nokomis	Western Seep Fritillary	NAME CHANGE

Catostomus discobolus	Bluehead Sucker	X-UPLIST G2
Cottus bairdi	Mottled Sculpin	X-REMOVE

INVERTEBRATES

Oreohelix strigosa	Rocky Mountainsnail	
Oreohelix yavapai	Yavapai Mountainsnail	
Oxyloma kanabense	Kanab Ambersnail	

PLANTS

Aliciella formosa	Aztec Gilia	X-UPLIST G3
Amsonia peeblesii	Peebles Blue-star	X-REMOVE
Asclepias sanjuanensis	San Juan Milkweed	
Astragalus beathii	Beath Milk-vetch	X-REMOVE
Astragalus heilii	Heil's Milk-vetch	
Atriplex garrettii var. navajoensis	Navajo Saltbush	
Camissonia atwoodii	Atwood's Camissonia	
Cirsium rydbergii	Rydberg's Thistle	
Cypripedium parviflorum var. *pubescens*	Yellow Lady's Slipper	X-UPLIST G1
Cystopteris utahensis	Utah Bladder-fern	
Ericameria arizonica	Grand Canyon Goldenweed	X-REMOVE
Erigeron sivinskii	Sivinski's Fleabane	
Eriogonum lachnogynum var. sarahiae	Sarah's Buckwheat	
Phacelia indecora	Bluff Phacelia	
Primula specuicola	Cave Primrose	
Psorothamnus arborescens var. pubescens	Marble Canyon Dalea	
Puccinella parishii	Parish's Alkali Grass	
Salvia pachyphylla ssp. eremopictus	Arizona Rose Sage	
Sclerocactus cloveriae brackii	Brack Hardwall Cactus	X-UPLIST TO G3
Symphyotrichum welshii	Welsh's American-aster	

NAVAJO ENDANGERED SPECIES LIST – May 2008 *Footnotes (Exclusions)* [1] G3 designation **excludes** NNDFW Management Unit 16 'New Lands', the boundaries of which are: From Sanders, AZ east along Unit 4 boundary to the Zuni boundary; south along the boundary past AZ Hwy 61 to the Navajo Nation/state boundary; west along the boundary past US Hwy 666 to the Navajo Nation/state boundary; north along Rd 2007 to Navajo, AZ; west to the north and south of Interstate 40 to the state/Petrified Forest National Park boundary; north along the boundary to the Unit 8 boundary; east along the boundary to US Hwy 191; south to Chambers and east to Sanders. For a Unit 16 map, contact NNDFW, P.O. Box 1480, Window Rock, AZ, 86515, 928 871-6451.

[2] Special hunts of *Ovis canadensis* may be conducted in Management Unit 11 for management purposes.

[3] Group 4 status for this species pertains only to the populations in Arizona and Utah; populations in the New Mexico portion of the Navajo Nation are not considered for this designation.

PLANTS

Allium gooddingii	Gooding's Onion	
Asclepias welshii	Welsh's Milkweed	
Astragulus cremnophylax var. *hevroni*	Marble Canyon Milk-vetch	
Astragalus cronquistii	Cronquist Milk-vetch	
Astragalus naturitensis	Naturita Milk-vetch	
Carex specuicola	Navajo Sedge	
Erigeron acomanus	Acoma Fleabane	
Errazurizia rotundata	Round Dunebroom	
Lesquerella navajoensis	Navajo Bladderpod	X-GENUS CH
Pediocactus peeblesianus ssp. *Fickeiseniae*	Fickeisen Plains Cactus	
Penstemon navajoa	Navajo Penstemon	
Perityle specuicola	Alcove Rock Daisy	
Platanthera zothecina	Alcove Bog-orchid	
Zigadenus vaginatus	Alcove Death Camas	X-GENUS CHANGE

GROUP 4:

MAMMALS

Corynorhinus townsendii	Townsend's Big-eared Bat	
Dipodomys microps	Chisel-toothed Kangaroo Rat	
Dipodomys spectabilis [3]	Banner-tailed Kangaroo Rat [3]	
Microtus mogollonensis	Navajo Mountain Vole	
Perognathus amplus cineris	Wupatki [Arizona] Pocket Mouse	
Vulpes macrotis	Kit Fox	

BIRDS

Accipiter gentilis	Northern Goshawk	
Aechmophorus clarkia	Clark's Grebe	
Aegolius acadicus	Northern Saw-whet Owl	
Athene cunicularia	Burrowing Owl	
Ceryle alcyon	Belted Kingfisher	
Charadrius montanus	Mountain Plover	
Dendragapus obscurus	Dusky Grouse	
Dendroica petechia	Yellow Warbler	
Empidonax hammondii	Hammond's Flycatcher	
Falco peregrinus	Peregrine Falcon	X-REMOVE
Glaucidium gnoma	Northern Pygmy-Owl	
Gymnogyps californianus	California condor	
Otus flammeolus	Flammulated Owl	
Patagioenas fasciata	Band-tailed Pigeon	
Picoides dorsalis	American Three-toed Woodpecker	
Porzana carolina Sora		
Tachycineta bicolor	Tree Swallow	
Vireo vicinior	Gray Vireo	

REPTILES

Lampropeltis triangulum	Milk Snake	
Sauromalus ater	Chuckwalla	

FISHES

PROPOSED PLANT CHANGES TO THE NAVAJO ENDANGERED SPECIES LIST

April 2018, Chad Smith, NNHP Zoologist

A. STATUS CHANGES OF NESL-LISTED SPECIES

1. *Catastomus discobolus*- Bluehead Sucker and Zuni Bluehead Sucker

PROPOSED ACTION: **ADD SUBSPECIES *JARROWII* TO NESL G2**

Justification:

The Zuni bluehead Sucker was listed as a federally endangered species in 2014 (79 FR 43131 43161) and several populations are known to occur on the Navajo Nation. Prior to the federal listing decision, the extent and distribution of this subspecies was poorly understood and we were unsure if any of our Bluehead Sucker populations shared the genetic and phenotypic traits that existed in Zuni Bluehead Sucker populations in the Zuni River system. During this time, we listed all populations of the Bluehead Sucker as a G4 species in need of further study. As part of the effort to sort out the status of this species our department provided fish samples from several of our creeks for use in genetic and morphological research. The results of that research indicate that the populations of bluehead sucker on drainages of the LCR are Zuni Bluehead Suckers and the populations of Zuni Bluehead suckers in our headwater streams in the San Juan Basin are not. We are recommending the up-listing of Bluehead Suckers from the LCR headwater streams on Navajo Nation as an endangered species under the subspecies designation *Catastomus discobolus jarrowii*. We intend to leave the populations of Bluehead Sucker in other drainages on the G4 list until we are able to determine their genetic distinctiveness relative to other San Juan basin populations.

2. *Mustela nigripes*- Black-footed ferret

PROPOSED ACTION: **MOVE SPECIES FROM G2 (ENDANGERED) TO GI (EXTIRPATED)**

Justification:

The Black-footed ferret has not been confirmed as present on the Navajo Nation in over 30 years. The last confirmation of ferrets on Navajo Nation was a jaw bone found in association with an archeological dig in the 1980's. Since that time a handful of sightings have been reported but follow-ups have failed to confirm evidence of ferrets. Over the last 15 years the Navajo Nation has experienced protracted drought, over grazing, and poor range management, all of which has contributed to the loss of prairie dog habitat. In addition, significant losses of prairie dogs have been documented on the Arizona portion of the reservation north of I-40 and New Mexico portion of the reservation along the hwy 491 corridor among other places. Some of those losses are likely the result of sylvatic plague events that have occurred in the last decade. Ferrets and prairie dogs are susceptible to plague and the likelihood of continued persistence of unknown remnant populations of ferrets is unlikely without intensive plague management. In addition to plague, ferrets are highly susceptible to diseases that occur in domestic and wild canids, such as distemper. The Navajo Nation continues to struggle with the management of very large free roaming and poorly managed domestic dog populations. Dogs on the Navajo Nation often breed in an unmanaged way and rarely receive managed veterinary care or vaccinations for common canid diseases. As a result, both distemper and parvo are prevalent in the local domestic dog population and the mobile and unrestrained nature of the dog population increases the likelihood that those diseases would

have come into contact with wildlife. The documented losses of prairie dogs, presence of plague, and presence of large populations of un-vaccinated dogs makes it highly unlikely that undetected ferret populations have survived to present day on the Navajo Nation. If a remnant population is found, or if the Navajo Nation decides to engage in ferret recovery through reintroduction, the Navajo Natural Heritage will adjust the listing of this species appropriately.

B. ADDITIONS TO NESL

No animals

C. DELETIONS FROM NESL

1. Ovis canadensis- Bighorn Sheep

PROPOSED ACTION: **REMOVE FROM NESL GROUP 3**

Justification:

The Bighorn Sheep is a wildlife recovery success story on the Navajo Nation. We initiated recovery of the species from a few individuals in the gorge of the San Juan River in Utah. Nearly 30 years after initial recovery efforts, we now have three distinct herds and the population is able to sustain small amounts of managed hunting. Bighorn Sheep hunting is currently paying for much of the management and recovery effort directed at this species and we anticipate that funding and management opportunities will improve over time. While this species is still sensitive to a number of threats (especially domestic livestock diseases) we believe the species is recovered to the point that protection under the NESL is no longer needed. This bighorn sheep will continue to be carefully managed and monitored by the department of fish and wildlife and we continue to work closely with tribal veterinarians, and state agencies to maintain the health and vitality of this Bighorn Sheep population.

2. *Falco peregrinus*- Peregrine Falcon

PROPOSED ACTION: **REMOVE FROM NESL GROUP 4**

Justification:

The Peregrine Falcon was listed as a federally endangered species in 1970 (35 FR 6069), and delisted due to recovery in 1999 (64 FR 46543 46558). We continued to protect the species under the NESL as it recovered on the Navajo Nation. When we delisted the species from its threatened status we moved it onto the G4 list of the NESL. The G4 list is intended for species that we believe are of conservation concern but are lacking enough information to determine status. Since we determined that the status of the Peregrine Falcon was secure enough to remove from the threatened list, we should not have placed it back onto a list for species with limited information. The Peregrine Falcon continues to recover on the Navajo Nation and we continue to monitor its nesting presence as part of our raptor monitoring programs. This species is now present in appropriate habitat throughout the extent of the Navajo Nation, and is still protected and managed under the migratory bird treaty act. The Natural Heritage program will continue to track this species as a species of conservation interest.

3. *Cottus bairdii*- Mottled Sculpin

PROPOSED ACTION: **REMOVE FROM NESL GROUP 4**

Justification:

The mottled sculpin is a fish species present in the San Juan River and its tributaries as well as other river systems in North America. It prefers clear rocky stream habitat in the headwaters of river systems. While present in the San Juan River and its tributaries, the Navajo Nation appears to have minimal suitable habitat for the mottled sculpin. Most of the Navajo portion of the San Juan River consists of heavily silted water that is not ideal for sculpins. Extensive fish survey work in the San Juan River indicates the fish is rarely encountered in the Navajo reach of the river, which is likely due more to habitat unsuitability than to declines in sculpin populations. Our department does not believe that the Navajo Nation currently has enough suitable sculpin habitat to provide meaningful conservation for this species. We also expect that continued native fish recovery efforts undertaken by the Tribes, BOR, USFWS, and States will benefit sculpins along with the endangered fish those management efforts are targeting .

4. *Lontra canadensis*- American River otter

PROPOSED ACTION: **REMOVE FROM NESL GROUP 1, ADD TO NESL GROUP 4**

Justification:

The American River Otter was extirpated from the Southwestern United States in the early 20th century. The species used to live in all major river systems in the southwest, including the San Juan and Colorado rivers on the Navajo Nation. In recent years several attempts have been made to reintroduce otters in New Mexico, Colorado, and Utah. Colorado introduced otters into tributaries of the San Juan River and Utah introduced them into tributaries of the Colorado River. Over time those otter populations have expanded such that we are confident that otters are now regular though rare residents of Navajo Nation waters in the San Juan River. Otters have been known in the San Juan and its tributaries in the vicinity of Navajo Lake for more than ten years. On Navajo Nation, otters have been observed as far downstream as the Shiprock area and river rangers have reported (though not confirmed) otter sightings in the Utah portion of the River. We believe our observations provide enough information to confirm that otters should no longer be considered extirpated on the Navajo Nation, though we are currently unable to judge the size or status of otter population. We expect that the recovery of otters will continue in the San Juan and Colorado river systems over time and we will continue to monitor otter presence on the Navajo portion of the river. Because we are uncertain of the number of otters currently using Navajo Nation portions of the river we are proposing to move the otter to our candidate list until a more thorough monitoring effort can be completed. As G4 species, the otter will not receive formal legal protection by the NESL but we will continue to seek data until a status decision can be made. The Natural Heritage Program will also recommend that the otter be excluded from our list of trappable furbearers until the population is robust enough to sustain management as a game species (should such management ever be desired or required).

D. NAME CHANGES

1. *Speyeria nokomis*- Western Seep Fritillary

PROPOSED ACTION: CHANGE COMMON NAME TO "GREAT BASIN SILVERSPOT'

Justification

The *Speyeria nokomis* complex contains several subspecies and they are often referred to under

varying common names. The populations that we currently protect are the *nokomis* subspecies that is currently being considered for federal listing by the USFWS. While the species is referred to interchangeably by at least three common names we are proposing to update the common name to the name currently being used by the USFWS in any of its documents referencing this species. By referring to the species by the same common name we will create less confusion in our interactions with federal agencies as the conservation needs of this species are realized.

PROPOSED PLANT CHANGES TO THE NAVAJO ENDANGERED SPECIES LIST

April 2018, Nora Talkington, NNHP Botanist

A. STATUS CHANGES OF NESL-LISTED SPECIES

1. *Aliciella formosa* - Aztec gilia

PROPOSED ACTION: **CHANGE FROM NESL GROUP 4 TO NESL GROUP 3**

Justification:

Aliciella formosa is only known from 4 clustered populations on the Navajo Nation, 3 of which have not been re-surveyed in the last decade. Population sizes from the last survey date range from 70 to several hundred individuals, clustered locally and largely scattered within potential habitat. It is restricted in range to northern San Juan County, NM, and restricted edaphically to the Nacimiento Formation, which is currently subject to intense oil and gas exploration. Research shows that transplanting and reseeding efforts are not successful for this species, making habitat preservation especially important.

2. *Cyprepedium parviflorum var. pubescens*- yellow lady's slipper

PROPOSED ACTION: **CHANGE FROM NESL GROUP 4 TO NESL GROUP 1**

Justification:

Cyprepedium parviflorum var. pubescens is only known from the Navajo Nation based on one herbarium collection that is approximately 30 years old. It not been observed on the Navajo Nation since that time. It is likely extirpated from the Navajo Nation, as the species is known to be intolerant of livestock grazing, which is a pervasive impact throughout the Navajo Nation. Furthermore, it is not likely that this species was ever common within the Navajo Nation; it has a widespread distribution across eastern and central North America, and is known as far west as the Rocky Mountains. The Chuska Mountains, along with the White Mountains in eastern Arizona, form the extreme western extent of this plant's range.

6. *Sclerocactus cloverae ssp. brackii*- Brack's hardwall cactus

PROPOSED ACTION: CHANGE FROM NESL GROUP 4 TO NESL GROUP 3

The Navajo Natural Heritage Program currently has only 1 record of Brack's hardwall cactus occurring on Navajo in the vicinity of Kutz Canyon, south of Bloomfield, NM. There are, however, 13 records of *Sclerocactus cloveriae ssp. cloveriae,* a closely related subspecies, occurring on Navajo and adjacent BLM lands southeast of Bloomfield, NM near Blanco Canyon. Taxonomic uncertainty between the two subspecies coupled with lack of adequate data about population size, threats, and species distribution have contributed to its current G4 status. We now know much more about the status and distribution of Brack's hardwall cactus across its range thanks to an extensive 2015 survey and report completed by the Natural Heritage New Mexico Program (Muldavin et al. 2016). The total geographic range of this species was identified as 55 miles north to south by 10 miles east to west at the widest point. It is confined to discontinuous portions of Nacimiento formation in northwestern New Mexico. This

report identified 6 major subpopulations of Brack's hardwall cactus, which represent groups of potentially-interacting populations composed of many local populations (element occurrences). One of the 6 meta-populations, named Kutz-Angel Peak, occurs primarily on Navajo Nation land (stretching south of Bloomfield, NM to east of Huerfano, NM and west along the San Jan River). Within this meta-population there were 18 distinct populations and 1439 live plants (total for *ssp. cloveriae* and *brackii*) occupying 14981 ha of habitat. A major threat to this meta-population is exploration and development of oil and natural gas, of which Nacimiento formation is targeted. Activities related to oil and gas development and extraction have historically and are currently impacting Brack's hardwall cactus in the Bloomfield/Aztec region, an area densely developed with oil and gas-related infrastructure. Additional threats to this species include off-road vehicle traffic, livestock grazing, invasive species, rabbit and rodent predation, and cactus longhorn beetle infestation. Because of the limited range of this species, lack of high-quality populations, and extensive threats due to oil and gas activities, predation, trampling, and drought, Natural Heritage New Mexico has listed Brack's hardwall cactus as S2 (imperiled). Brack's hardwall also remains a BLM sensitive species. Based on data supplied by the NHNM survey and report, I proposed that Brack's hardwall cactus be uplisted from a G4 to a G3 species on the Navajo Endangered Species List.

B. ADDITIONS TO NESL
No plants

C. DELETIONS FROM NESL

***1. Amsonia peeblesii* – Peebles bluestar**

PROPOSED ACTION: **REMOVE FROM NESL GROUP 4**

Justification:

Amsonia peeblesii grows throughout the Little Colorado River drainage, from near St. Johns in Apache County to locations near the confluence with the Colorado River, making it a regional endemic. It has also been observed outside the Little Colorado River drainage, near Lee's Ferry. This species is not an edaphic specialist; rather, it thrives in a variety of edaphic and geologic environments, including cinders, clay-rich Moenkopi soils, Shinarump Conglomerate, and sandy soils. The Navajo Natural Heritage Program has 16 records of this species on Navajo, occurring south of Bitter Springs, AZ to north of Leupp, AZ. The species does not face any known threats that are significant in scale, broad in scope, or targeted at prime habitat. The fact that Peebles' Bluestar in not extremely rare, restricted in range or habitat, and faces few threats, justifies its removal from the Navajo Endangered Species List.

2. *Astragalus beathii* - Beath's milkvetch

PROPOSED ACTION: **REMOVE FROM NESL GROUP 4**

Justification:

Astragalus beathii is a localized endemic that grows only in the immediate vicinity of Cameron, AZ. It is an annual to short-lived perennial plant which is adapted to disturbed environments such as wash bottoms and roadsides. Monitoring data collected from 2005 to 2011 shows that without a doubt this species forms viable long-term seed banks. These viable seed banks, combined with the mobile, high-connectivity nature of wash bottom habitats, allow populations to expand, contract, and migrate according to resource availability. *Astragalus beathii* is currently known from ten populations, but much of its habitat is located in remote areas north of the Little Colorado River Canyon, and remains unsurveyed. Six of the ten known populations were found in the last 3 years by Rich Crawford, a botany

student completing a floristic inventory of the Little Colorado Gorge. He discovered those populations while collecting from areas immediately adjacent to the canyon rims, and there are many acres of off-rim habitat that have not been explored. With the recent lifting of the Bennett Freeze, residential areas will undoubtedly be expanded in Cameron. However, the majority of housing on the Navajo Nation-even new housing-is dispersed 1 acre home-sites and not particularly threatening to this species, considering its preferred habitat of roadsides and wash bottoms.

3. *Ericameria arizonica* - Grand Canyon goldenweed

PROPOSED ACTION: **REMOVE FROM NESL GROUP 4**

Justification:

Ericameria arizonica is a Grand Canyon rim endemic. Its range extends 100 miles east to west, from the Little Colorado River to near Lake Mead in Mohave County. It is known from over 30 locations, despite the fact that many botanists are not inclined to take notice of and collect *Ericameria*. Although some tourist development may occur along the Little Colorado River within the foreseeable future, this development is not likely to be significant enough in scale, or broad enough in scope to threaten this species with extinction.

D. NAME CHANGES

Name from 2008 NESL:	Recommended Name for 2017 NESL:
Lesquerella navajoensis (Navajo Bladderpod)	*Physaria navajoensis* (Navajo Bladderpod)
Zigadenus vaginatus (Alcove Death Camas)	*Anticlea vaginatus* (Alcove Death Camas)

REFERENCES:

Al-Shebaz, I.A., and S.L. O'Kane. 2002. *Lesquerella* is United with *Physaria*. *Novon* 12: 319-329.

US Fish and Wildlife Service. April 26, 2012. 90 Day Finding in a Petition to List *Aliciella Formosa* (Aztec gilia) as Threatened of Endangered With Critical Habitat. FR 24908-15.

Muldavin, E., R. Sivinski, M. East, Y. Chauvin, and M. Horner. 2016. Brack's Hardwall Cactus Distribution, Habitat, and Status Stuvey 2015. Unpublished report prepared for the BLM State Office, Santa Fe, NM by Natural Heritage New Mexico, Museum of Southwestern Biology and Department of Biology, University of New Mexico, Albuquerque, NM. 61 pp.

Taylor, R. M., & Ayers, T. J. (2006). Systematics of *Salvia pachyphylla* (Lamiaceae). *Madroño*, *53*(1), 11-24.

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Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Kee Allen Begay, Jr.
24th Navajo Nation Council

FROM: Edward A. McCool
Edward A. McCool, Acting-Chief Legislative Counsel
Office of Legislative Counsel

DATE: October 4, 2019

AN ACTION RELATING TO RESOURCES AND DEVELOPMENT: AMENDING AND UPDATING THE NAVAJO NATION'S NATURAL HERITAGE PROGRAM ENDANGERED SPECIES LIST

As requested, 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. Please ensure that this 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 Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§500, 501. 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).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0307-19_____ SPONSOR: Kee Allen Begay, Jr.

TITLE: An Action Relating to Resources and Development; Amending and updating the Navajo Nation's Natural Heritage Program Endangered Species List

Date posted: October 7, 2019 at 5:37pm

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.

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THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0307-19

SPONSOR: Honorable Kee Allen Begay Jr.

TITLE: An Action Relating to Resources and Development; Amending and updating the Navajo Nation's Natural Heritage Program Endangered Species List

Posted: October 07, 2019 at 05:37 PM

5 DAY Comment Period Ended: October 12, 2019

Digital Comments received:

Comments Supporting	*None*
Comments Opposing	*None*
Inconclusive Comments	*None*

Legislative Tracking Secretary
Office of Legislative Services

10/14/19 8:27 am
Date/Time

RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL

FIRST YEAR 2019

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

Legislation # 0307-19: An Action Relating to Resources and Development; Amending and Updating the Navajo Nation's Natural Heritage Program Endangered Species List. *Sponsor: Honorable Kee Allen Begay, Jr.*

Has had it under consideration and reports the matter was TABLED until the next RDC meeting with a directive that Natural Heritage, Department of Fish and Wildlife; and Public Safety Division Director and Police Chief of the Navajo Nation be present at the meeting for further discussion.

And thereafter the legislation was TABLED.

Respectfully submitted,

Rickie Nez, Presiding Chairperson
Resource and Development Committee of
the 24th Navajo Nation Council

Date: November 27, 2019 – Regular Meeting
Meeting Location: Navajo Nation Council Chambers
Window Rock, Arizona

MAIN MOTION:
M: Mark A. Freeland S: Thomas Walker, Jr. Vote:
YEAS:
NAYS:

TABLING MOTION: Wilson Stewart, Jr., S: Mark A. Freeland V: 4-0-1 (CNV)
YEAS: Mark A. Freeland, Wilson Stewart, Jr., Herman M. Daniels and Kee Allen Begay, Jr.
NAYS:
NOT VOTING: Thomas Walker, Jr. (Temporarily stepped out of the meeting)

RESOURCES AND DEVELOPMENT COMMITTEE
24th Navajo Nation Council
Regular Meeting

ROLL CALL
VOTE TALLY SHEET:

Legislation # 0307-19: An Action Relating to Resources and Development; Amending and Updating the Navajo Nation's Natural Heritage Program Endangered Species List. *Sponsor: Honorable Kee Allen Begay, Jr.*

Date: November 27, 2019
Meeting Location: NNC Chambers
Window Rock, AZ

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YEAS:
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NAYS:
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Honorable Rickie Nez, Chairperson
Resources and Development Committee

Shammie Begay, Legislative Advisor
Office of Legislative Services