

RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE OF THE
24th NAVAJO NATION COUNCIL -- First Year, 2019

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE SUPPORTING H.R. 871 TITLED "TO EXPAND THE BOUNDARIES OF THE BEARS EARS NATIONAL MONUMENT, TO ENSURE PROMPT ENGAGEMENT WITH THE BEARS EARS COMMISSION AND PROMPT IMPLEMENTATION OF THE PROCLAMATION ESTABLISHING THE BEARS EARS NATIONAL MONUMENT AND FOR OTHER PURPOSES"

WHEREAS:

- A. The Navajo Nation established the Resources and Development Committee ("RDC") as a Navajo Nation Council standing committee and as such empowered RDC with oversight of land, environmental protection and cultural resources and authority to review and recommend resolutions to the Naabik'íyáti' Committee and Navajo Nation Council to accomplish or impact the Committee purpose. See 2 N.N.C. §§ 164 (A)(9), 500 (C), 501 (B)(4)(a) (2015);
- B. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such empowered Naabik'íyáti' Committee to coordinate with all committees, Chapters, branches and entities concerned with all Navajo appearances and testimony before Congressional committees, and departments of the United States government. See 2 N.N.C. §§ 164 (A)(9), 700 (A), 701 (A)(8) (2015);
- 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. In Proclamation 9558 of December 28, 2016, President Barack Obama exercised his authority under section 320301 of title 54, United States Code (the Antiquities Act), and established the Bears Ears National Monument located in the state of Utah. The Proclamation reserved approximately 1.35 million acres of federal land to be protected and managed by the Department of

the Interior's Bureau of Land Management and Department of Agriculture's United States Forest Service. The Proclamation also acknowledged the centuries of habitation of the area by indigenous peoples, the protection it provided to Navajo people during the Long Walk to Fort Sumner, and the profound sacredness of the land encompassing the Bears Ears National Monument to the Navajo Nation and other surrounding Native American tribes. In addition to the historical and cultural importance of the area, the Proclamation also established the Bears Ears National Monument for the protection of including but not limited to, various vegetation, geology, topography and ecology found within. The Proclamation also established the Bears Ears Commission, comprised of tribal leaders, to provide guidance and recommendation for subsequent management plans and set forth the requirements for tribal inclusion and consultation by the Department of the Interior and Department of Agriculture in the Monument's management plan. See Proclamation No. 9558, 82 Fed. Reg. 3, 1139 (Jan. 5, 2017).

- E. In Proclamation 9681 of December 4, 2017, President Donald Trump modified the Bears Ears National Monument as set forth in Proclamation 9558. Proclamation 9681 reduced the land base of the Bears Ears National Monument by approximately 1,150,860 acres finding the 1.35 million acres reserved under Proclamation 9558 unnecessary for the care and management of the objects described in Proclamation 9558. Proclamation 9681 also opened public and National Forest System lands excluded from the monument reservation to entry, location, selection, sale and other disposition under laws applicable to the U.S. Forest Service, disposition under laws relating to mineral and geothermal leasing and location, entry and patent under mining laws. See Proclamation No. 9681, 82 Fed. Reg. 235, 58081 (Dec. 8, 2017).
- F. The Navajo Nation has historical, cultural, and economic connections to the area known as the Bears Ears National Monument long before Utah statehood in 1896. Association with the Bears Ears area by the Navajo people is evidenced by oral histories, ruins, and the continued utilization of the resources located within the vicinity of Bears Ears.

- G. On January 30, 2019 H.R. 871 titled "Bears Ears Expansion and Respect for Sovereignty Act" was introduced in the 116th United States Congress House of Representatives. This act seeks to expand the boundaries of the Bears Ears National Monument. See **Exhibit A**.
- H. On March 30, 2019, the Commission on Navajo Government Development passed Resolution No. CNGD-0301-19 to formally support H.R. 871 in the interest and context of 1 N.N.C. §§ 201-206, the Diné People's deep respect for sacred sites, ecological preservation, and Navajo philosophical narratives associated with the area known as Bears Ears National Monument. See **Exhibit B**.
- I. The Navajo Nation supports H.R. 871 for the following reasons:
 - 1. The Act will expand the Bears Ears National Monument to comprise approximately 1,931,997 acres of Federal land;
 - 2. The Act will ensure that the federal government will carry out provisions of the Proclamation to meaningfully engage with the Bears Ears Inter-Tribal Coalition on management decisions affecting the monument, reflecting tribal expertise and traditional and historical knowledge;
 - 3. The Act will restore meaningful government-to-government relations between tribes and the federal government;
 - 4. The expanded land base of the Bears Ears National Monument will restore protection to countless cultural, natural, and sacred objects; and
 - 5. The Act will maintain the Diné People's deep cultural and spiritual connections to the area known as Bears Ears National Monument and its continued responsible development.

THEREFORE, BE IT RESOLVED:

- A. The Navajo Nation hereby supports H.R. 871 titled "To expand the boundaries of the Bears Ears National Monument, to ensure

prompt engagement with the Bears Ears Commission and prompt implementation of the Proclamation establishing the Bears Ears National Monument, and for other purposes"

- B. The Navajo Nation hereby authorizes the President of the Navajo Nation, and the Navajo Nation Washington Office, and their designees, to advocate the Navajo Nation's support to H.R. 871 titled "To expand the boundaries of the Bears Ears National Monument, to ensure prompt engagement with the Bears Ears Commission and prompt implementation of the Proclamation establishing the Bears Ears National Monument, and for other purposes" and to advocate for its passage and swift implementation.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 24th 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, and 00 Opposed, on this 11th day of July 2019.

A handwritten signature in blue ink, appearing to read "Seth Damon", is written over the printed name.

Honorable Seth Damon, Chairman
Naabik'iyáti' Committee

Motion: Honorable Daniel E. Tso
Second: Honorable Jamie Henio

Chairman Seth Damon not voting



116TH CONGRESS
1ST SESSION

H. R. 871

To expand the boundaries of the Bears Ears National Monument, to ensure prompt engagement with the Bears Ears Commission and prompt implementation of the Proclamation establishing the Bears Ears National Monument, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2019

Mr. GALLEGO (for himself, Ms. HAALAND, Mr. AGUILAR, Ms. BARRAGÁN, Mr. BEYER, Mr. BLUMENAUER, Ms. BONAMICI, Mr. BRENDAN F. BOYLE of Pennsylvania, Mrs. BUSTOS, Mr. CARBAJAL, Mr. CÁRDENAS, Mr. CARTWRIGHT, Ms. JUDY CHU of California, Ms. CLARK of Massachusetts, Mr. CONNOLLY, Ms. DEGETTE, Ms. DELBENE, Mr. ESPAILLAT, Mr. FOSTER, Ms. GABBARD, Mr. GOMEZ, Ms. BASS, Mr. HASTINGS, Mr. HIGGINS of New York, Mr. HUFFMAN, Ms. JAYAPAL, Ms. JOHNSON of Texas, Ms. KELLY of Illinois, Mr. KHANNA, Mr. KILDEE, Mr. KILMER, Mr. KIND, Mr. KRISHNAMOORTHY, Mr. TED LIEU of California, Mr. LIPINSKI, Mr. LOWENTHAL, Mr. SEAN PATRICK MALONEY of New York, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCNERNEY, Ms. MENG, Ms. MOORE, Mrs. MURPHY, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL, Mr. NEGUSE, Mr. O'HALLERAN, Mr. PANETTA, Mr. POCAN, Ms. ROYBAL-ALLARD, Mr. RUIZ, Mr. RYAN, Ms. SÁNCHEZ, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. DAVID SCOTT of Georgia, Mr. SERRANO, Mr. SIRES, Mr. SMITH of Washington, Mr. SOTO, Mr. SUOZZI, Mr. SWALWELL of California, Mrs. TORRES of California, Ms. VELÁZQUEZ, Mrs. WATSON COLEMAN, Mr. WELCH, Ms. WILSON of Florida, Ms. PORTER, Mr. CRIST, Ms. SPEIER, and Mr. YARMUTH) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To expand the boundaries of the Bears Ears National Monument, to ensure prompt engagement with the Bears Ears Commission and prompt implementation of the Procla-

mation establishing the Bears Ears National Monument, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bears Ears Expansion
5 And Respect for Sovereignty Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) MAP.—The term “map” means the map on
9 page 6 of the “Proposal to President Barack Obama
10 for the Creation of Bears Ears National Monument”
11 submitted by the Bears Ears Inter-Tribal Coalition
12 and dated October 15, 2015.

13 (2) PROCLAMATION.—The term “Proclama-
14 tion” means Presidential Proclamation 9558, dated
15 December 28, 2016 (82 Fed. Reg. 1139 (Jan. 25,
16 2017)).

17 (3) SECRETARIES.—The term “Secretaries”
18 means—

19 (A) the Secretary of the Interior with re-
20 spect to land administered by the Bureau of
21 Land Management; and

22 (B) the Secretary of Agriculture with re-
23 spect to land administered by the Forest Serv-
24 ice.

1 **SEC. 3. EXPANSION OF NATIONAL MONUMENT BOUND-**
2 **ARIES.**

3 (a) IN GENERAL.—The boundary of the Bears Ears
4 National Monument is hereby expanded to comprise ap-
5 proximately 1,931,997 acres of Federal land under the ju-
6 risdiction of the Secretaries, as generally depicted on the
7 map.

8 (b) MAPS AND LEGAL DESCRIPTIONS.—

9 (1) IN GENERAL.—As soon as practicable after
10 the date of enactment of this Act, the Secretaries
11 shall file maps and legal descriptions of the Bears
12 Ears National Monument, as expanded by this sec-
13 tion, with—

14 (A) the Committee on Energy and Natural
15 Resources of the Senate; and

16 (B) the Committee on Natural Resources
17 of the House of Representatives.

18 (2) FORCE OF LAW.—The maps and legal de-
19 scriptions filed under paragraph (1) shall have the
20 same force and effect as if included in this Act, ex-
21 cept that the Secretaries may correct typographical
22 errors in the maps and legal descriptions.

23 (3) PUBLIC AVAILABILITY.—The maps and
24 legal descriptions filed under paragraph (1) shall be
25 on file and available for public inspection in the ap-

1 appropriate offices of the Forest Service, National
2 Park Service, and Bureau of Land Management.

3 **SEC. 4. ADMINISTRATION.**

4 (a) IN GENERAL.—Subject to subsection (b), the Sec-
5 retaries shall administer all land and interests in land held
6 by the United States that are included in the expanded
7 boundary under section 3(a)—

8 (1) as part of the monument; and

9 (2) in accordance with the Proclamation and
10 applicable laws.

11 (b) NATIONAL PARK SERVICE.—The Secretary of the
12 Interior, acting through the National Park Service, shall
13 administer the Natural Bridges National Monument and
14 those portions of the Glen Canyon National Recreation
15 Area within the expanded boundary under section 3(a)—

16 (1) as part of the monument; and

17 (2) in accordance with applicable law.

18 (c) MANAGEMENT AND ENGAGEMENT.—The Secre-
19 taries shall promptly carry out the provisions of the Proc-
20 lamation, including the provisions requiring the Secre-
21 taries to meaningfully engage the Bears Ears Commission
22 to—

23 (1) ensure the proper care and management of
24 the objects identified;

1 (2) ensure that management decisions affecting
2 the monument reflect tribal expertise and traditional
3 and historical knowledge; and

4 (3) provide guidance and recommendations on
5 the development and implementation of management
6 plans and on management of the monument.

7 (d) ACQUISITION OF LANDS AND INTERESTS IN
8 LAND.—The Secretary may acquire any land, water, or
9 interests in land that are located within the revised bound-
10 ary of the Monument by—

11 (1) donation;

12 (2) purchase with donated or appropriated
13 funds; or

14 (3) exchange.

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**RESOLUTION OF THE
COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT**



AN ACTION TO SUPPORT H.R. 871 – BEARS EARS EXPANSION AND RESPECT FOR SOVEREIGNTY ACT OF THE 116TH CONGRESS, 1ST SESSION, TITLED “TO EXPAND THE BOUNDARIES OF THE BEAR EARS NATIONAL MONUMENT, TO ENSURE PROMPT ENGAGEMENT WITH THE BEARS EARS COMMISSION AND PROMPT IMPLEMENTATION OF THE PROCLAMATION ESTABLISHING THE BEARS EARS NATIONAL MONUMENT AND FOR OTHER PURPOSES.”

WHEREAS:

1. Pursuant to CD-68-89, the Navajo Nation Council established the Commission on Navajo Government Development (Commission) including the Office of Navajo Government Development with quasi-independent authority to accomplish the Navajo Nation Council's project of instituting reforms necessary to ensure an accountable and responsible government; and
2. Pursuant to 2 N.N.C. § 971 (1994 as amended), the purpose of the Commission on Navajo Government Development shall be as follows: (A) To review and evaluate all aspects of the existing government structure of the Navajo Nation including laws, rules and regulations, practices, functions, goals and objectives of the central government as it relates to Chapters, and local communities and the relationship of Chapters and local communities to the central government; and
3. The Diné People recognize that land and sacred sites form the foundation of the Diné Life Way and the Diné Life Way is the foundation of Navajo Nation Government, and sacred sites must be protected pursuant to Diné Natural Law 1 N.N.C §205(F); and
4. 2 N.N.C §971(A) gives the Commission on Navajo Government Development the duty to review and evaluate all aspects of the existing government structure, including the implementation of Diné Natural Law 1 N.N.C §205(F) in order to ensure an accountable and responsible government for the Diné People pursuant to 2 N.N.C §970; and
5. The Commission on Navajo Government Development observes the Diné People's significant historic, cultural, ecological, and economic connections to the area known as Bears Ears National Monument since time immemorial, evidenced by oral histories, ruins, epistemology and ontology, and record of ancestral sustainable development of resources located within the vicinity of Bears Ears; and
6. On January 30, 2019, H.R. 871 titled “Bears Ears Expansion and Respect for Sovereignty Act” was introduced in the 116th United States Congress House of Representatives. This

act seeks to expand the boundaries of the Bears Ears Nation Monument, attached hereto as *Exhibit A*; and

7. The Commission on Navajo Government Development supports H.R. 871 and the expansion of the boundaries of the Bears Ears National Monument in order to maintain the Diné People's deep cultural and spiritual connections to the area known as Bears Ears National Monument and its continued responsible development.

NOW THEREFORE IT BE RESOLVED THAT:

1. The Commission hereby supports H.R. 871 – Bears Ears Expansion and Respect for Sovereignty Act of the 116th Congress, 1st Session.
2. The Commission recognizes NABIS-57-18: An Action Relating to Resources and Development Committee and Naabik'iyáti' Committee Supporting H.R. 4518 Titled "Bears Ears National Monument Expansion Act" under the 115th Congress and by the 23rd Navajo Nation Council.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Commission on Navajo Government Development at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that same was passed by a vote of 5 in favor, 0 opposed, and 3 abstained, this 30th day of March 2019.



JoAnn Dedman, Chairperson
Commission on Navajo Government Development

Motion: Anselm Morgan

Second: LeTanya Thinn

NAVAJO NATION

241

7/11/2019

Naa'bik'iyati Committee

09:51:34 PM

Amd# to Amd# Legislation 0166-19: Supporting
MOT Tso, D H.R. 871 Titled "To Expand the
SEC Henio, J Boundaries of the Bears Ears
National Monument, to Ensure...

PASSED

Yea : 13

Nay : 0

Excused : 6

Not Voting : 4

Yea : 13

Begay, E	Halona, P	Smith	Tso, O
Begay, K	Henio, J	Tso, D	Walker, T
Charles-Newton	James, V	Tso, E	Yellowhair
Daniels			

Nay : 0

Excused : 6

Begay, P	Brown	Tso, C	Wauneka, E
BeGaye, N	Freeland, M		

Not Voting : 4

Yazzie	Stewart, W	Nez, R	Crotty
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Presiding Chair: Damon