

LEGISLATIVE SUMMARY SHEET

Tracking No. 0302-18

DATE: September 10, 2018

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE, RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING THE DINÉ MEDICINE MEN ASSOCIATION RESOLUTION DMMA#111917-2 TITLED "REQUESTING THE NAVAJO NATION OFFICE OF THE PRESIDENT AND VICE PRESIDENT, ALL PUEBLO COUNCIL OF GOVERNORS AND GREATER CHACO COALITION AND PARTNERS TO CONSULT WITH DINÉ MEDICINE MEN ASSOCIATION FOR ANY POSITIONS TAKEN ON FRACKING AND HORIZONTAL DRILLING IN GREATER CHACO AS PART OF FUNDAMENTAL LAW AND OUR CULTURAL AND TRADITIONAL INHERENT RIGHTS"

PURPOSE: The purpose of this resolution is to support the concerns and request of the Diné Medicine Men Association regarding fracking and horizontal drilling in the Greater Chaco vicinity.

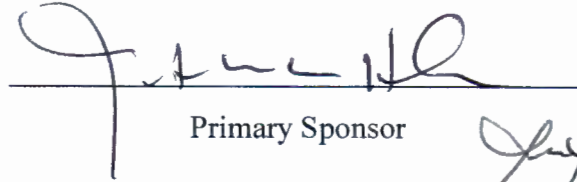
This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: SNOWTAN
Website Posting Time/Date: 2:20pm 9/12/2018
Posting End Date: 9/17/2018
Eligible for Action: 9/18/2018

Health, Education and Human Services Committee
Thence
Resources and Development Committee
Thence
Naa'bik'iyáti' Committee

PROPOSED STANDING COMMITTEE RESOLUTION
23rd NAVAJO NATION COUNCIL—FOURTH YEAR, 2018

INTRODUCED BY



Primary Sponsor



TRACKING NO. 0302-18

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES
COMMITTEE, RESOURCES AND DEVELOPMENT COMMITTEE AND
NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING THE DINÉ MEDICINE MEN
ASSOCIATION RESOLUTION DMMA#111917-2 TITLED "REQUESTING THE
NAVAJO NATION OFFICE OF THE PRESIDENT AND VICE PRESIDENT, ALL
PUEBLO COUNCIL OF GOVERNORS AND GREATER CHACO COALITION
AND PARTNERS TO CONSULT WITH DINÉ MEDICINE MEN ASSOCIATION
FOR ANY POSITIONS TAKEN ON FRACKING AND HORIZONTAL DRILLING
IN GREATER CHACO AS PART OF FUNDAMENTAL LAW AND OUR
CULTURAL AND TRADITIONAL INHERENT RIGHTS"

WHEREAS:

- A. The Health, Education and Human Services Committee ("HEHSC") is a standing committee of the Navajo Nation Council. The committee is empowered to review and recommend resolutions regarding certain matters, including health, education, social services, veterans and veteran affairs. 2 N.N.C. §§ 164 (A)(9), 400 (A), 401 (B)(6)(a) (2012); *See also* C0-45-12.
- B. 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

1 review and recommend resolutions to the Naabik'íyáti Committee and Navajo Nation
2 Council to accomplish or impact the Committee purpose. See 2 N.N.C. §§ 164 (A)(9),
3 500 (C), 501 (B)(4)(a) (2015); *See also* CO-45-12.

4 C. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation
5 Council standing committee and as such empowered Naabik'íyáti' Committee to
6 assist and coordinate all requests for information, appearances and testimony relating
7 to proposed county, state and federal legislation impacting the Navajo Nation. 2
8 N.N.C. §§ 164 (A)(9), 700 (A), 701 (A)(4), 701(A)(6) (2015); *See also* CO-45-12.

9 D. The Diné Medicine Men Association is a non-profit organization incorporated under
10 Navajo Nation law and has been in existence since the 1970's. *See Exhibit A.*

11 E. On November 19, 2017, the Diné Medicine Men Association passed resolution
12 DMMA#111917-2 titled "Requesting the Navajo Nation Office of the President and
13 Vice President, All Pueblo Council of Governors and Greater Chaco Coalition and
14 Partners to Consult with the Diné Medicine Men Association for any Positions Taken
15 on Fracking and Horizontal Drilling in Greater Chaco as Part of Diné Fundamental
16 Law and Our Cultural and Traditional Inherent Rights" and is attached hereto as
17 **Exhibit A.**

18 F. The resolution requests that the Navajo Nation Office of the President and Vice
19 President, All Pueblo Council of Governors and Greater Chaco Coalition and Partners
20 consult with the Association regarding positions regarding fracking and horizontal
21 drilling in the Greater Chaco vicinity.

22
23 **THEREFORE, BE IT RESOLVED:**

24 A. The Navajo Nation hereby supports the Diné Medicine Men Association in their
25 concerns and request as stated in the attached **Exhibit A.**



Dine' Medicine Me Association, Inc.

Diné Bi Nahagha' Yee Da' Ahoota'

P.O. Box 4574

Gallup NM 87301

RESOLUTION OF DINÉ MEDICINE MEN ASSOCIATION DMMA#111917-2

REQUESTING THE NAVAJO NATION OFFICE OF THE PRESIDENT AND VICE PRESIDENT, ALL PUEBLO COUNCIL OF GOVERNORS, AND GREATER CHACO COALITION AND PARTNERS TO CONSULT WITH DINÉ MEDICINE MEN ASSOCIATION FOR ANY POSITIONS TAKEN ON FRACKING AND HORIZONTAL DRILLING IN GREATER CHACO AS PART OF DINE FUNDAMENTAL LAW AND OUR CULTURAL AND TRADITIONAL INHERENT RIGHTS.

WHEREAS:

1. The Diné Medicine Men Association, Inc. (Diné Bi Nahagá Yee Da'ahóta') is a non-profit organization incorporated with the Navajo Nation Business Regulatory and has been in existence since the early 1970's; and
2. Diné traditional medicine people always have the commitment to teach, preserve, and protect the welfare of the Diné People as well as the welfare of the Diné Nation through providing exceptional protocol of the traditional knowledge of the distinctive oral philosophy of indigenous way of life based on the Diné Infinite Oral Sacred Philosophy of the Spiritual Belief foundation. Hence, it always has been the moral principle that guided the ceremonial sacred songs and prayers interwoven with intellectual oral planning and teaching with dignity and integrity which is still the effectual foundation of Diné Life Way since time immemorial; and
3. Diné Medicine Men Association has always strongly advocated that Diné People have sacred cultural and historical ties to the Greater Chaco just like sacred cultural and historical ties to the Dziłth-na-o-dith-hle Mesa which is near the Greater Chaco; and
4. Navajo Nation President Russell Begaye joined forces with All Pueblo Council of Governors to state their position on fracking and horizontal drilling in Greater Chaco without consulting with the Diné Medicine Men Association; and
5. Navajo Nation President Russell Begaye sent a letter dated February 06, 2017 to Bureau of Land Management – Farmington Field Office in reference to Concerns Regarding Chaco Canyon Cultural which he didn't consult with Diné Medicine Men Association before sending the letter; and
6. Diné Medicine Men Association strongly believes Navajo Nation Office of President and Vice-President should be consulting with Diné Medicine Men Association instead of outside entities and partners on the fracking and horizontal drilling in Greater Chaco; and
7. Diné Medicine Men Association is adamant that consultation be provided by Diné Medicine Men Association on the fracking and horizontal drilling in Greater Chaco due to the Diné People having sacred cultural and historical ties to the Greater Chaco.

NOW, THEREFORE, BE IT RESOLVED:


1. THE DINÉ MEDICINE MEN ASSOCIATION HEREBY REQUESTS NAVAJO NATION OFFICE OF THE PRESIDENT AND VICE PRESIDENT, ALL PUEBLO COUNCIL OF GOVERNORS, AND GREATER CHACO COALITION AND PARTNERS TO CONSULT WITH DINÉ MEDICINE MEN ASSOCIATION FOR ANY POSITIONS TAKEN ON FRACKING AND HORIZONTAL DRILLING IN GREATER CHACO

CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Diné Medicine Men Association at a duly called meeting in **Nageezi Chapter**, at which a quorum of membership was present and that the same was passed by a vote of **29** in favor, **00** opposed, and **00** abstained this **19** day of **November 2017**.

Motion by: Robert Curley

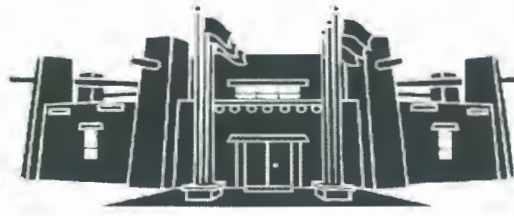
Seconded by: Kenneth Joe



Mr. Kenneth Maryboy, President


12-17-2017

Date



MEMORANDUM

TO: Honorable Jonathan Hale
23rd Navajo Nation Council Delegate

FROM: 
Candace French, Attorney
Office of Legislative Counsel

DATE: September 10, 2018

RE: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE, RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING THE DINÉ MEDICINE MEN ASSOCIATION RESOLUTION DMMA#111917-2 TITLED "REQUESTING THE NAVAJO NATION OFFICE OF THE PRESIDENT AND VICE PRESIDENT, ALL PUEBLO COUNCIL OF GOVERNORS AND GREATER CHACO COALITION AND PARTNERS TO CONSULT WITH DINÉ MEDICINE MEN ASSOCIATION FOR ANY POSITIONS TAKEN ON FRACKING AND HORIZONTAL DRILLING IN GREATER CHACO AS PART OF FUNDAMENTAL LAW AND OUR CULTURAL AND TRADITIONAL INHERENT RIGHTS"

Per your request, attached is the above-reference proposed resolution and associated legislative summary sheet. Based on existing law, the resolution drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of a challenge.

The Office of Legislative Counsel recommends the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601, and 701. 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).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If you approve, please sign as "Primary Sponsor" and submit it to the Office of Legislative Services where the proposed resolution will be given a tracking number and referred to the Office of the Speaker.

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

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0302-18_____

SPONSOR: Jonathan Hale

TITLE: An Action Relating to Health, Education and Human Services Committee, Resources and Development Committee and Naabik'iyati' Committee; Supporting the Dine Medicine Men Association Resolution DMMA#111917-2 Titled "Requesting the Navajo Nation Office of the President and Vice President, all Pueblo Council of Governors and Greater Chaco Coalition and Partners to Consult with Dine Medicine Men Association for any positions taken on fracking and horizontal drilling in greater Chaco as part of fundamental law and our cultural and traditional inherent rights"

Date posted: September 12, 2018 at 2:20pm

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.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0302-18

SPONSOR: Honorable Jonathan L. Hale

TITLE: An Action Relating to Health, Education and Human Services Committee, Resources and Development Committee and Naabik'iyati' Committee; Supporting the Dine Medicine Men Association Resolution DMMA#111917-2 Titled "Requesting the Navajo Nation Office of the President and Vice President, all Pueblo Council of Governors and Greater Chaco Coalition and Partners to Consult with Dine Medicine Men Association for any positions taken on fracking and horizontal drilling in greater Chaco as part of fundamental law and our cultural and traditional inherent rights"

Posted: September 12, 2018 at 2:20pm

5 DAY Comment Period Ended: September 17, 2018

Digital Comments received:

| | |
|------------------------------------|---|
| Comments Supporting (1) | 1. <u>cjbenallycsu@gmail.com</u> |
| Comments Opposing | <i>None</i> |
| Inconclusive Comments | <i>None</i> |



**Legislative Secretary II
Office of Legislative Services**

9/18/2018 8:18am

Date/Time

Comments 0302-18

cjbenallycsu <cjbenallycsu@gmail.com>

Fri 9/14/2018 11:14 PM

To: comments <comments@navajo-nsn.gov>; Jonathan Hale <jonathanhale@navajo-nsn.gov>; Amber K. Crotty <acrotty@navajo-nsn.gov>;

Respect the concerns of the Dine medicine men association up and foremost.

Legislation Number: 0302-18

Legislation Title: An Action Relating to Health, Education and Human Services Committee, Resources and Development Committee and Naabik'iyati' Committee; Supporting the Dine Medicine Men Association Resolution DMMA#111917-2 Titled "Requesting the Navajo Nation Office of the President and Vice President, all Pueblo Council of Governors and Greater Chaco Coalition and Partners to Consult with Dine Medicine Men Association for any positions taken on fracking and horizontal drilling in greater Chaco as part of fundamental law and our cultural and traditional inherent rights"

Legislation Description: The purpose of this resolution is to support the concerns and request of the Dine Medicine Men Association regarding fracking and horizontal drilling in the Greater Chaco vicinity.

Last Updated: 09/12/2018, 02:22 pm

Sponsor: Jonathan Hale

Co-Sponsor(s): N/A

Status: 5 Day Hold

Executive Branch (164/SAS No.): N/A

Vote Requirements

Standing Committee - Majority

Legislation Entered By: MNez ADMIN

Approved Committees

Health Education & Human Services CommitteeResources & Development CommitteeNaa'bik'iyati' Committee

OLC Number: 18-492-01

Since this particular legislation will affect GLOBAL interest...all COMMENTS are open to ALL...AHE'HEE/THANK YOU...!!

Sent via the Samsung Galaxy S8, an AT&T 4G LTE smartphone

Committee Report

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL to whom has been assigned;

LEGISLATION NO. 0302-18

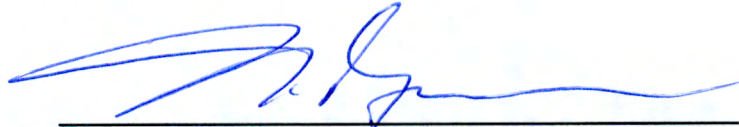
AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE, RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK'IYATI' COMMITTEE; SUPPORTING THE DINE MEDICINE MEN ASSOCIATION RESOLUTION DMMA#111917-2 TITLED "REQUESTING THE NAVAJO NATION OFFICE OF THE PRESIDENT AND VICE PRESIDENT, ALL COUNCIL OF GOVERNORS AND GREATER CHACO COALITION AND PARTNERS TO CONSULT WITH DINE MEDICINE MEN ASSOCIATION FOR ANY POSITIONS TAKEN ON FRACKING AND HORIZONTAL DRILLING IN GREATER CHACO AS PART OF FUNDAMENTAL LAW AND OUR CULTURAL AND TRADITIONAL INHERENT RIGHTS"

(Note: Eligible for Committee Action September 18, 2018)

Sponsor: Honorable Jonathan L. Hale

Has had under consideration and report the same with the recommendation that Legislation 0302-18 PASS with no Amendment and no Directive; and therefore referred the same to the RESOURCES AND DEVELOPMENT COMMITTEE OF THE NAVAJO NATION COUNCIL

Respectfully Submitted,



Nathaniel Brown, Pro-Tem Chairperson
Health, Education and Human Services Committee

September 24, 2018 - Main Motion

Motion by: Honorable Jonathan L. Hale

Seconded by: Honorable Nelson BeGaye

Vote: 3 in favor; 0 Opposed; Pro-Tem Chairperson Not Voting

Yeas: Jonathan L. Hale; Nelson BeGaye; Amber Kanazbah Crotty

Nays: None

Absent (excused): Norman M. Begay; Steven Begay

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
Regular Meeting
September 24, 2018

Roll Call
Vote Tally Sheet

Legislation 0302-18

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE, RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK'IYATI' COMMITTEE; SUPPORTING THE DINE MEDICINE MEN ASSOCIATION RESOLUTION DMMA#111917-2 TITLED "REQUESTING THE NAVAJO NATION OFFICE OF THE PRESIDENT AND VICE PRESIDENT, ALL COUNCIL OF GOVERNORS AND GREATER CHACO COALITION AND PARTNERS TO CONSULT WITH DINE MEDICINE MEN ASSOCIATION FOR ANY POSITIONS TAKEN ON FRACKING AND HORIZONTAL DRILLING IN GREATER CHACO AS PART OF FUNDAMENTAL LAW AND OUR CULTURAL AND TRADITIONAL INHERENT RIGHTS"

(Note: Eligible for Committee Action September 18, 2018)

Sponsor: Honorable Jonathan L. Hale

September 24, 2018 - Main Motion

Motion by: Honorable Jonathan L. Hale


Seconded by: Honorable Nelson BeGaye

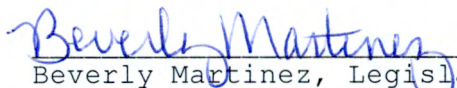
Vote: 3 in favor; 0 Opposed; Pro-Tem Chairperson Not Voting

Yeas: Jonathan L. Hale; Nelson BeGaye; Amber Kanazbah Crotty

Nays: None

Absent (excused): Norman M. Begay; Steven Begay



Nathaniel Brown, Pro-Tem Chairperson
Health, Education and Human Services Committee

Beverly Martinez, Legislative Advisor
Health, Education and Human Services Committee

**RESOURCES AND DEVELOPMENT COMMITTEE
23rd NAVAJO NATION COUNCIL**

FOURTH YEAR 2018

COMMITTEE REPORT

Mr. Speaker,

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

Legislation # 0302-18: An Action Relating to Health, Education and Human Services Committee, Resources and Development Committee and Naabik'Iyati Committee; Supporting the Dine Medicine Men Association Resolution DMMA#111917-2 Title "Requesting the Navajo Nation Office of the President and Vice-President, all Pueblo Council of Governors and Greater Chaco Coalition and Partners to Consult with Dine Medicine Men Association for any positions taken on Fracking and Horizontal Drilling in Greater Chaco as part of fundamental law and our cultural and traditional inherent rights". *Sponsor: Honorable Jonathan Hale; Co-Sponsor: Honorable Jonathan Perry*

Has had it under consideration and reports a **DO PASS** with no amendment;

And thereafter the matter was referred to Naabik'Iyati Committee.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Ben Bennett', with a long horizontal stroke extending to the right.

Benjamin Bennett Vice-Chairperson
Resource and Development Committee of
the 23rd Navajo Nation Council

Date: October 3, 2018 - Regular Meeting

Meeting Location: Navajo Nation Council Chambers, Window Rock, Arizona

MAIN MOTION: Leonard Pete S: Davis Filfred V: 3-0-1 (VCNV)

YEAS: Davis Filfred, Jonathan Perry and Leonard Pete

NAYS: NONE

EXCUSED: Alton Joe Shepherd and Walter Phelps

RESOURCES AND DEVELOPMENT COMMITTEE
Regular Meeting

October 3, 2018

ROLL CALL
VOTE TALLY SHEET:

Legislation # 0302-18: An Action Relating to Health, Education and Human Services Committee, Resources and Development Committee and Naabik'Iyati Committee; Supporting the Dine Medicine Men Association Resolution DMMA#111917-2 Title "Requesting the Navajo Nation Office of the President and Vice-President, all Pueblo Council of Governors and Greater Chaco Coalition and Partners to Consult with Dine Medicine Men Association for any positions taken on Fracking and Horizontal Drilling in Greater Chaco as part of fundamental law and our cultural and traditional inherent rights". *Sponsor: Honorable Jonathan Hale; Honorable Jonathan Perry*

Main Motion: Leonard Pete Second: Davis Filfred Vote: 3-0-1 (VCNV)

YEAS: Davis Filfred, Leonard Pete, and Jonathan Perry

NAYS:

EXCUSED: Alton Joe Shepherd and Walter Phelps



Benjamin Bennett, Vice-Chairperson
Resources and Development Committee



Shammie Begay, Legislative Advisor
Resources and Development Committee

23rd NAVAJO NATION COUNCIL NAABIK'ÍYÁTI' COMMITTEE REPORT Fourth Year 2018

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0302-18

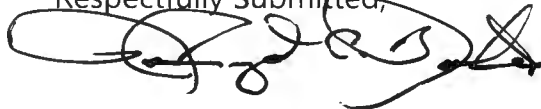
An Action Relating to Health, Education and Human Services Committee, Resources and Development Committee and Naabik'íyáti' Committee; Supporting the Dine Medicine Men Association Resolution DMMA#111917-2 Titled "Requesting the Navajo Nation Office of the President and Vice President, all Pueblo Council of Governors and Greater Chaco Coalition and Partners to Consult with Dine Medicine Men Association for any positions taken on fracking and horizontal drilling in greater Chaco as part of fundamental law and our cultural and traditional inherent rights"

Sponsored by: Honorable Jonathan L. Hale

Co-Sponsored by: Honorable Jonathan Perry

Has had it under consideration and reports the same legislation **FAILED (NEEDED SIMPLE MAJORITY OF VOTES TO PASS).**

Respectfully Submitted,



*Honorable LoRenzo C. Bates, Chairman
NAABIK'ÍYÁTI' COMMITTEE*

11 OCTOBER 2018

MAIN MOTION

Motioned by: Honorable Nathaniel Brown

Seconded by: Honorable Amber Kanazbah Crotty

Vote: 06 in Favor, 07 Opposed (Chairman Bates Votes Opposed)

AMENDMENT #1

Page 2, line 22, insert new Paragraph G language as follows:

G. Navajo Indian Allottees have property interests in their Indian allotments located on or near Chaco Canyon area.

Page 2, Line 27, insert new Paragraph B.

B. The Navajo Nation hereby directs all Navajo Nation Departments or Entities to consult with Diné Medicine Man Association and Navajo Indian Allottees.

Motioned by: Honorable Leonard Tsosie

Seconded by: Honorable Benjamin L. Bennett

Vote: 13 in Favor, 00 Opposed (Chairman Bates Not Voting)

AMENDMENT #2

1. Page 2 of 2, line 21, after "vicinity." Insert "The Navajo Nation Office of the President and Vice-President was not authorized to negotiate any agreement."
2. Page 2 of 2, line 25, strike "as stated in the attached Exhibit A." insert "The Navajo Nation Office of President and Vice-President shall consult with the Diné Medicine Man Association and Navajo Indian Allottees before entering into any agreement with non-Navajo Nation governments or entities."
3. Renumber or re-letter succeeding paragraphs or sections accordingly, if necessary; and this amendment shall supersede inconsistent language contained in any other committee amendment, which shall be conformed to the intent or language of this amendment. Office of Legislative Services is hereby authorized to make grammatical changes or correct typographical errors with notice to the sponsor.

Motioned by: Honorable Leonard Tsosie

Seconded by: Honorable Benjamin L. Bennett

Vote: 15 in Favor, 01 Opposed (Chairman Bates Not Voting)