

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL—Second Year, 2016

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; NAABIK'ÍYÁTI' COMMITTEE
AND THE NAVAJO NATION COUNCIL; AMENDING CAP-26-16 BY APPROVING
SIXTY (60) ADDITIONAL DAYS FOR NAVAJO PARTITIONED LAND CHAPTERS
TO MAKE PROPOSED ALIGNMENTS FOR RANGE UNITS

BE IT ENACTED:

Whereas:

1. The Resources and Development Committee is designated by the Navajo Nation Council as the Central Grazing Committee. 3 N.N.C. § 831.
2. Pursuant to 2 N.N.C. § 164(A)(9), a proposed resolution that requires final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee before it is heard by the Navajo Nation Council.
3. Pursuant to Navajo Nation Code Title 3 § 705, "The Commissioner of Indian Affairs has established and will retain the present land management districts within the Navajo Indian Reservation, based on the social and economic requirements of the Navajo Indians and the necessity of rehabilitating the grazing lands. District boundary changes may be made when deemed necessary and advisable by the District Grazing Committees, Central Grazing Committee and the Navajo Nation Council, with approval by the Superintendent, Area Director, and the Commissioner of Indian Affairs."
4. The Navajo Nation Council passed Resolution Number CAP-26-16 entitled *Adopting and Confirming the Range Unit Boundaries and Grazing Districts Established by the Bureau of Indian Affairs for the Navajo Partitioned Lands*. Resolution CAP-26-16 was certified on April 28, 2016 and is attached as Exhibit A.

5. CAP-26-16 stated:

In the best interest of the Navajo Nation, the Navajo Nation Council hereby adopts and confirms the range unit boundaries established by the Bureau of Indian Affairs. For areas not included in range unit boundaries, the following range units of the Navajo Partitioned Lands shall be adopted:

Precinct 1, consisting of 19 range units in Tolani Lake, Low Mountain, Teesto, White Cone, and Jeddito, having approximately 177,037 acres.

Precinct 2, consisting of 17 range units in Forest Lake, Black Mesa, Hard Rock, Pinon, Blue Gap and Whippoorwill, having approximately 466,588.2 acres.

Precinct 3, consisting of 15 range units in Tonalea, Shonto, Chilchinbeto, Kayenta and Black Mesa, having approximately 262,758.2 acres.

6. After the adopting the Precincts and range units, CAP-26-16 also states:

Allow Navajo Partitioned Land Chapters 120 days to make proposed alignments for range units through: 1) chapter resolutions, and 2) grazing committee resolutions. Division of Natural Resources is directed to stake proposed range unit boundaries in Precinct 2, provide chapters with large maps of individual proposed range units, and provide detailed information on number of cancelled permittee(s) from that range unit, living cancelled permittee(s) and non-living cancelled permittee(s) for possible heirs who live in that range unit to get agreement on alignment changes through resolutions or the proposed alignment will stand for which exterior fencing will begin.

7. CAP-26-16 was certified by the Speaker of the Navajo Nation Council on April 28, 2016. 2 N.N.C. § 221. That makes August 25, 2016 the 120th day after the certification of CAP-26-16 which was the period of time for Navajo Partitioned Land Chapters to make proposed alignments to the range units.

8. Forest Lake Chapter Resolution Number FLC-16-07-002 dated July 29, 2016, requests additional days for Navajo Partitioned Land Chapters to make proposed alignments to the range units. FLC-16-07-002 is attached as Exhibit B.
9. The Forest Lake Chapter Resolution FLC-16-07-002 states that the chapter made attempts to obtain information regarding the range units from the Resources and Development Committee and that the chapter is making every effort to meet with families in its chapter and adjacent chapters to adjust the proposed range units. The Forest Lake Chapter needs more time to engage in discussions with the affected land users.
10. It is in the best interest of the Navajo Nation for sixty (60) additional days, from the date this amending resolution is certified by the Speaker, for Navajo Partitioned Land Chapters to make proposed alignments to the range units.

Therefore, Be It Resolved:

The Navajo Nation Council amends Navajo Nation Council Resolution CAP-26-16 by approving an additional sixty (60) days, from the date of certification of this resolution amending CAP-26-16, for the Navajo Partitioned Land Chapters to make proposed alignments for range units.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 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 16 in favor and 0 opposed, this 19th day of October 2016.



LoRenzo Bates, Speaker
Navajo Nation Council

10-27-16

Date

Motion: Honorable Herman M. Daniels
Second: Honorable Nathaniel Brown

NAVAJO NATION

RCS# 672

NNC Fall Session

10/19/2016

07:26:56 PM

Amd# to Amd#

Legislation No. 0287-16

PASSED

MOT Daniels

Amending CAP-26-16 by Approving

SEC Brown

Thirty (30) additional days for
NPL Chapters

Yea : 16

Nay : 0

Not Voting : 6

Yea : 16

Begay, K

Brown

Daniels

Smith

Begay, NM

Chee

Perry

Tsosie

BeGaye, N

Crotty

Shepherd

Witherspoon

Bennett

Damon

Slim

Yazzie

Nay : 0

Not Voting : 6

Bates

Hale

Pete

Tso

Filfred

Jack

Phelps

Yazzie, P

CAP-26-16

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL -- Second Year, 2016

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; NAABIK'ÍYÁTI' COMMITTEE
AND THE NAVAJO NATION COUNCIL; ADOPTING AND CONFIRMING THE RANGE
UNIT BOUNDARIES AND GRAZING DISTRICTS ESTABLISHED BY THE BUREAU
OF INDIAN AFFAIRS FOR THE NAVAJO PARTITIONED LANDS

BE IT ENACTED:

Whereas:

1. The Resources and Development Committee is designated by the Navajo Nation Council as the Central Grazing Committee. 3 N.N.C. § 831.
2. Pursuant to 2 N.N.C. § 164(A)(9), a proposed resolution that requires final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee before it is heard by the Navajo Nation Council.
3. Pursuant to Navajo Nation Code Title 3 § 705, "The Commissioner of Indian Affairs has established and will retain the present land management districts within the Navajo Indian Reservation, based on the social and economic requirements of the Navajo Indians and the necessity of rehabilitating the grazing lands. District boundary changes may be made when deemed necessary and advisable by the District Grazing Committees, Central Grazing Committee and the Navajo Nation Council, with approval by the Superintendent, Area Director, and the Commissioner of Indian Affairs."
4. Administrative control of livestock grazing on the Navajo Partitioned Land (NPL) began in 1940 with the issuance of grazing permits on the 1882 Executive Order Reservation. The Navajo-Hopi Settlement Act, P.L. 63-951, as amended, required the development of new grazing regulations for the NPL. 25 CFR 161 allows the Navajo Nation to establish grazing allocations and grant permits within the NPL.

5. Pursuant to 25 CFR Part 161.202, the Bureau of Indian Affairs with concurrence of the Navajo Nation established range units for which range management plans can be developed to improve and maintain soil and forage resources. Physical land features, watersheds, drainage patterns, vegetation, soil, resident concentration, problem areas, chapter boundaries, special land uses and comprehensive land use planning will be considered in the determination of range unit boundaries.
6. "Range unit" is defined as a tract of land designated as a separate management subdivision of the administration of grazing. A range unit may consist of tribal, individually owned or government land or any combination thereof consolidated or managed for grazing.
7. The Bureau of Indian Affairs established the grazing district boundaries for the Navajo Partitioned Lands consisting of 906,383 acres.
8. The Navajo Partitioned Land Joint Precinct District Grazing Committee Members resolution, attached as **Exhibit A**, have recommended that the Bureau of Indian Affairs grazing boundaries currently in place should become the official Navajo Nation grazing boundaries and for areas not covered by the Bureau of Indian Affairs boundaries the proposed range unit of the Navajo Partitioned Lands should become the official boundaries.
9. A map, attached as **Exhibit B**, shows the Navajo Partitioned Lands Range Units.
10. A list of the range units, the chapters they are assigned to, and the acreage of the range units are contained in **Exhibit C**.

Now, Therefore Be It Resolved:

In the best interest of the Navajo Nation, the Navajo Nation Council hereby adopts and confirms the range unit boundaries established by the Bureau of Indian Affairs. For areas not included in range unit boundaries, the following range units of the Navajo Partitioned Lands shall be adopted:

Precinct 1, consisting of 19 range units in Tolani Lake, Low Mountain, Teesto, White Cone, and Jeddito, having approximately 177,037 acres.

Precinct 2, consisting of 17 range units in Forest Lake, Black Mesa, Hard Rock, Pinon, Blue Gap and Whippoorwill, having approximately 466,588.2 acres.

Precinct 3, consisting of 15 range units in Tonalea, Shonto, Chilchinbeto, Kayenta and Black Mesa, having approximately 262,758.2 acres.

Allow Navajo Partitioned Land Chapters 120 days to make proposed alignments for range units through: 1) chapter resolutions, and 2) grazing committee resolutions. Division of Natural Resources is directed to stake proposed range unit boundaries in Precinct 2, provide chapters with large maps of individual proposed range units, and provide detailed information on number of cancelled permittee(s) from that range unit, living cancelled permittee(s) and non-living cancelled permittee(s) for possible heirs who live in that range unit to get agreement on alignment changes through resolutions or the proposed alignment will stand for which exterior fencing will begin.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 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 19 in favor and 0 opposed, this 21st day of April 2016.

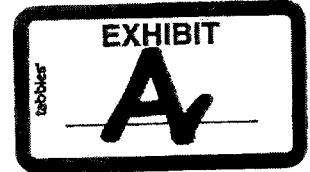


LoRenzo Bates, Speaker
Navajo Nation Council

4/28/16

Date

Motion: Honorable Lee Jack, Sr.
Second: Honorable Seth Damon



NPL#1, #2 & #3 4-16-15 C



**RESOLUTION OF THE NAVAJO PARTITIONED LANDS JOINT
PRECINCTS DISTRICT GRAZING COMMITTEE MEMBERS**

THE NAVAJO PARTITIONED LAND JOINT PRECINCTS DISTRICT GRAZING COMMITTEE RECOMMENDS THE BIA GRAZING BOUNDARIES CURRENTLY IN PLACE WILL BECOME THE OFFICIAL NAVAJO NATION GRAZING BOUNDARIES. FOR AREAS NOT COVERED BY BIA BOUNDARIES, PROPOSED RANGE UNITS OF NPL WILL BECOME THE OFFICIAL BOUNDARY. THE RESOURCE AND DEVELOPMENT COMMITTEE MAY CHANGE GRAZING DISTRICT BOUNDARIES WHEN THE COMMITTEE DEEMS SUCH CHANGES TO BE IN THE BEST INTEREST OF THE NAVAJO PEOPLE. APPROVES RANGE LAND ON THE NAVAJO NATION IN TRUST STATUS INTO RANGE UNITS AND APPROVE AND IMPLEMENT RANGE MANGEMEN PLANS TO THE BUREAU OF INDIAN AFFAIRS BRANCH OF NATURAL RESOURCES

WHEREAS:

1. The District Grazing Committees of the Navajo Nation are established as the administrative bodies within the Navajo Nation with the primary responsibilities of managing and enforcing matters related to rangeland and livestock by Navajo Tribal Resolution CJ-6-53 and Navajo Tribal Advisory Committee Resolution ACA-31-55 and CAN-83-57
2. Resolution of the Navajo Nation Council, relating to resources, enacting the Navajo Partitioned Lands District Grazing Precincts Act CO-3109 amending Title 3 of the Navajo Nation code §875 (23) Navajo Partitioned Land District Grazing Precincts shall determine eligibility for issuance of grazing permits on the Navajo Partitioned Lands, establish, range unit boundaries; mediate grazing disputes; inform and educate potential permittees on grazing permits cancelled by the U.S. District Court of Arizona in October 1972; develop guidelines for individual and community range management plans; coordinate with departments of the Navajo Nation, the Hopi Tribe and Bureau of Indian Affairs for effective grazing, management and enforcement; and other related matters; and
3. Pursuant to Navajo Nation Code Title 3 § 705 Land Management Districts the Bureau of Indian Affairs establishes or proposes to retain the present land management districts and agency boundaries. District/Agency boundary change is deemed necessary and advised by the Precincts District Grazing Committee; and
4. Department of Interior / Bureau of Indian Affairs 25 CFR part 161 provides regulations to govern the grazing of livestock on Navajo Partitioned Lands. The purpose of this regulation is to conserve the rangeland within the NPL in order to maximize future use of the land; and
5. Pursuant to 25 CFR 161.202 the Bureau of Indian Affairs with the concurrence of the Navajo Nation will establish range units on the Navajo Partitioned Lands to provide unified areas for which range management plans can be developed to improve and maintain soil and forage resources. Physical and natural land features, watersheds, drainage patterns, vegetation, soil, resident concentration, problem areas, historical land use patterns, chapter boundaries, special land uses and comprehensive land use planning is considered in determination of range unit boundaries; and

6. The Bureau of Indian Affairs can modify range unit boundaries with the concurrence of the Navajo Nation. This may include small and /or isolated portions of the Navajo Partitioned Lands contiguous to Navajo Nation Lands in order to develop more beneficial and efficient land management, practices and application; and
7. The Code of Federal Regulation and Navajo Nation Code 3 N.N.C § 713 states that favorable recommendation from the District Grazing Committee and a written authorization from the Bureau of Indian Affairs must be secured before fencing.; and
8. Pursuant to Navajo Nation Code § 213 range land in Navajo Nation trust or lands leased or purchased by the Navajo Nation may be fenced. The Navajo Nation Code further states that all applications for fencing are submitted to the District Grazing Committee and forwarded with recommendations to the Bureau of Indian Affairs for approval.

NOW THEREFORE BE IT RESOLVED:

The Navajo Partitioned Lands Precincts District Grazing Committee, with the support of the Navajo Nation Department of Agriculture recommends, The BIA grazing boundaries currently in place will become the official Navajo Nation grazing boundaries. For areas not covered by BIA grazing boundaries, proposed range units of NPL will become the official boundary. The Resources and Development Committee may change grazing district boundaries when the Committee deems such changes to be in the best interests of the Navajo People.

1. Approves range land on the Navajo Nation in trust status into range units and approve and implement range management plans to the Bureau of Indian Affairs Branch of Natural Resources.
2. The Navajo Nation in consultation with the BIA will plan range management / conservation plans that include grazing control, restoration, improving vegetative productivity, diversity, stocking rates, grazing schedule, wildlife management, livestock improvement, existing range improvements, implementation of range studies, control of livestock diseases, parasites, fencing, water development, and other structure necessary to implement any provisions in the range management plan.
3. The Bureau of Indian Affairs Branch of Natural Resources Fort Defiance Agency, Chinle Agency and Western Navajo Agency are involved in the areas outside of the 1882 Executive Order.

CERTIFICATION:

The foregoing resolution of the Navajo Partitioned Lands Joint Precincts District Grazing Committee was *considered* and *approved* at a duly called meeting, with a quorum present and a vote of 13 in favor, 0 opposed, and 1 abstaining, on the 16 day of April, 2015 at the Whippowill Chapter.

Motioned by: 

Seconded by: 


Precinct 1, 2 and 3 Chairperson

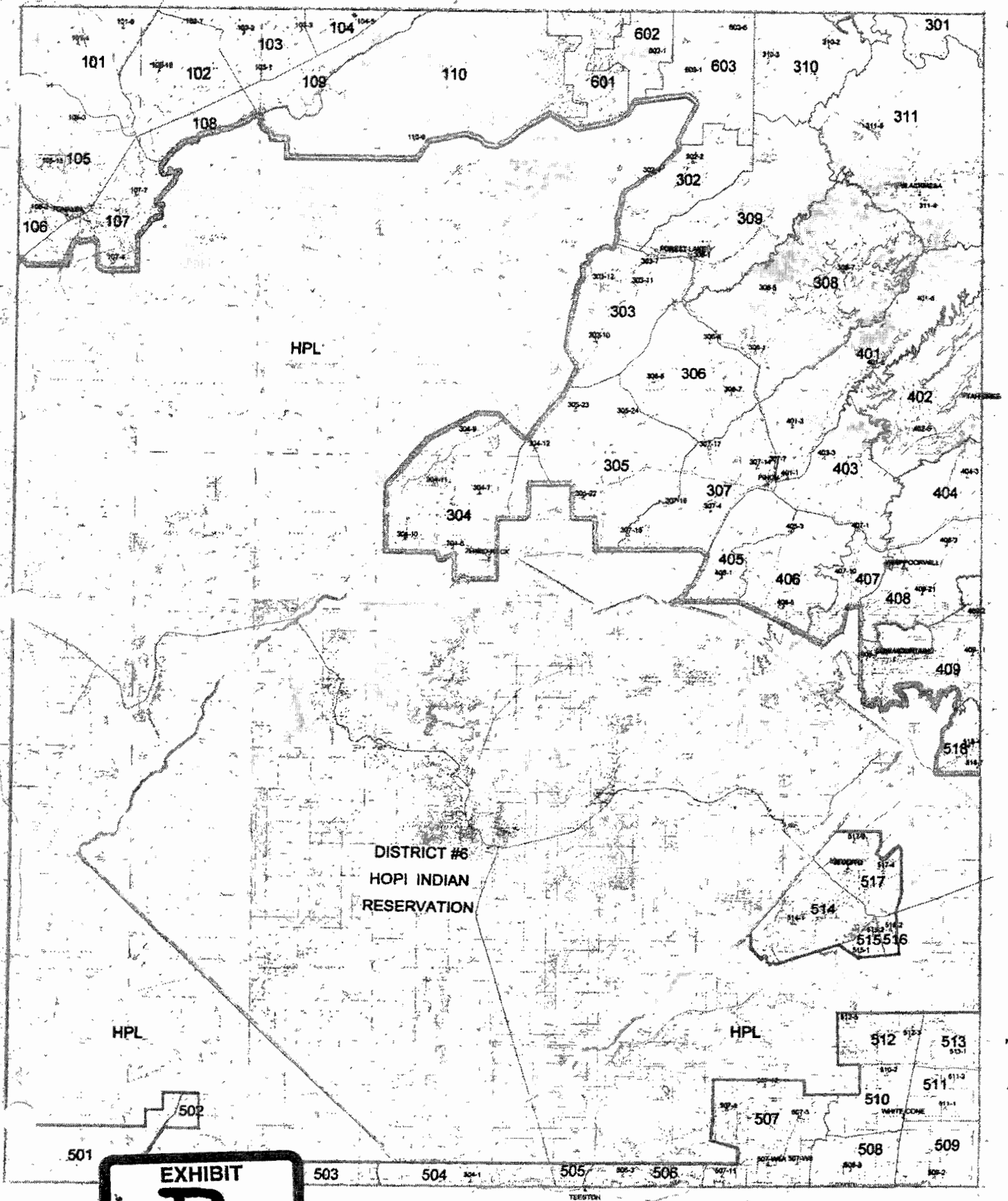


EXHIBIT
B

Exhibit B

CAP-26-16

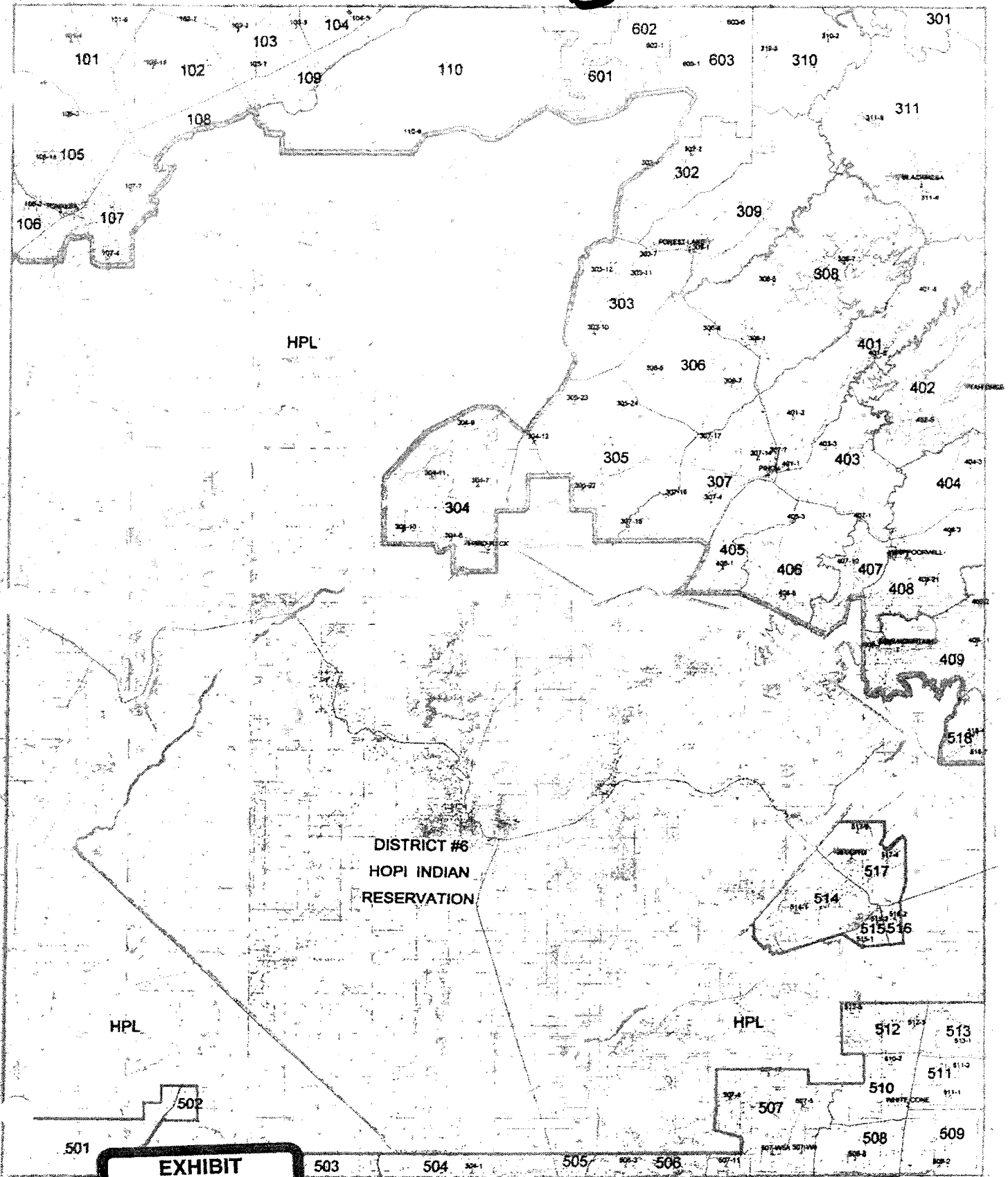


EXHIBIT
B



| GRAZING_D | RANGE_UNIT | ACRES | PERIM_MILE |
|--------------|------------|-----------|------------|
| Tolani Lake | 501 | 18477.139 | 28.812 |
| Tolani Lake | 502 | 1672.364 | 7.152 |
| Tolani Lake | 503 | 5609.675 | 15.884 |
| Teesto | 504 | 8518.057 | 22.883 |
| Teesto | 505 | 1623.191 | 6.909 |
| Teesto | 506 | 5302.163 | 17.317 |
| Whitecone | 507 | 23702.119 | 32.158 |
| Whitecone | 508 | 9570.095 | 22.516 |
| Whitecone | 509 | 11259.036 | 17.456 |
| Whitecone | 510 | 10062.747 | 21.338 |
| Whitecone | 511 | 8361.274 | 14.692 |
| Whitecone | 512 | 9017.432 | 15.474 |
| Whitecone | 513 | 7385.311 | 13.671 |
| Jeddito | 514 | 15520.053 | 20.700 |
| Jeddito | 515 | 2026.900 | 8.216 |
| Jeddito | 516 | 1458.922 | 6.806 |
| Jeddito | 517 | 10225.521 | 21.020 |
| Low Mountain | 409 | 21477.364 | 42.304 |
| Whitecone | 518 | 5767.641 | 14.267 |

Total Acreage: 177,037.0

| GRAZING_D | RANGE_UNIT | ACRES | PERIM_MILE |
|-------------|------------|-----------|------------|
| Black Mesa | 302 | 17365.086 | 26.140 |
| Black Mesa | 303 | 24837.393 | 26.914 |
| Hard Rock | 304 | 38606.431 | 34.857 |
| Hard Rock | 305 | 35458.700 | 33.739 |
| Pinon | 306 | 25802.249 | 25.537 |
| Forest Lake | 308 | 53227.424 | 51.778 |
| Forest Lake | 309 | 34380.241 | 51.177 |
| Black Mesa | 311 | 56336.817 | 59.259 |
| Blue Gap | 401 | 33572.851 | 66.870 |
| Blue Gap | 402 | 30913.984 | 56.700 |
| Pinon | 403 | 19021.757 | 35.260 |
| Blue Gap | 404 | 14326.059 | 26.572 |
| Pinon | 405 | 12710.182 | 24.602 |
| Whipoorwill | 406 | 19293.441 | 32.573 |
| Whipoorwill | 407 | 8789.874 | 28.046 |
| Blue Gap | 408 | 19203.398 | 28.947 |
| Pinon | 307 | 22742.340 | 30.642 |

Total Acreage: 466,588.2

| GRAZING_D | RANGE_UNIT | ACRES | PERIM_MILE |
|-----------|------------|-----------|------------|
| Tonalea | 101 | 23271.237 | 29.354 |
| Tonalea | 102 | 19594.662 | 23.366 |

| | | | |
|--------------|-----|-----------|--------|
| Shonto | 103 | 13718.392 | 23.621 |
| Shonto | 104 | 4511.545 | 12.382 |
| Tonalea | 105 | 22279.291 | 24.714 |
| Tonalea | 106 | 4220.100 | 15.199 |
| Tonalea | 107 | 17429.430 | 32.702 |
| Tonalea | 108 | 7265.888 | 17.929 |
| Shonto | 109 | 11030.484 | 28.196 |
| Black Mesa | 110 | 66202.279 | 53.867 |
| Chilchinbeto | 301 | 7057.641 | 20.651 |
| Kayenta | 310 | 22865.951 | 31.313 |
| Black Mesa | 601 | 12541.880 | 31.362 |
| Black Mesa | 602 | 9266.402 | 21.487 |
| Black Mesa | 603 | 21503.012 | 31.926 |

Total Acreage: 262,758.2

Total Acreage: 906,383.4

2

RUSSELL BEGAYE
PRESIDENT

FOREST LAKE CHAPTER
Dwight Witherspoon, Council Delegate
Helena Begay, President
Fern Benally, Vice-President
Brenda White, Secretary Treasurer
Irene Begaye, Grazing Representative
Ella M. Benally, Community Service Coordinator

JONATHAN NEZ
VICE-PRESIDENT

Resolution of the Forest Lake Chapter
FLC-16-07-002

Requesting the Resource and Navajo Nation Council (NNC) to extend the Resolution CAP 26-16 amendment by an additional thirty (30) days.

1. Pursuant to the Local Governance Act, 26 N.N.C., Chapter 1, sub-chapter, section 3 (a) the Forest lake Chapter is continued as a certified chapter of the Navajo Nation by the Navajo Nation Council Resolution number CAP-34-98; And
2. Pursuant to chapter 1, section 131 (1) (2), of the same Act, the chapter has the responsibility and authority to promote, protect and preserve the interest and general welfare including the safety of it community, people, programs, property, etc.; And
3. The Forest Lake community members made several requests in person and by chapter resolutions of Resource and Development Committee (RDC) to hold a Work Session regarding Legislation 0093-16 to happen at Forest Lake Chapter starting in the month of April; And
4. The Forest Lake Chapter members took an active role in the Navajo Nation Council Spring session. The Chapter's entire boundary is located within the Navajo Partitioned Land; And
5. NNC legislation 0093-16 was passed on April 21 and Navajo Nation (NN) Speaker signed the Resolution 26-16 on April 28. Resolution 26-16 contained the amendment which allows the Navajo Partitioned Land Chapters 120 days to make proposed alignments for the range units; And
6. The Forest Lake officials and community members contacted the NN President's office to see if he signed the Resolution CAP 26-16 which determined when the 120 day clock would begin. The calls into the NN President's Office began NNC Spring session concluded. The Forest Lake Community expected the Resolution 26-16 to be signed by the NN President; And
7. On June 6, 2016, one lone member of RDC held a Range Unit (NNC Legislation 0093-16 aka Resolution CAP 26-16) work session for the community of Forest Lake; And
8. At the June 6th work session, Forest Lake community was informed that NN Speaker who signed the legislation on April 28, 2016 and was the final authority regarding the Resolution 0093-16. It was calculated that 39 days of the 120 days on the amendment has already passed; And
9. Five of the B.I.A. proposed range units is part of the Forest Lake Chapter and these range units also effects the Hardrock and Black Mesa Chapters, after careful review of these proposed lines effects grazing and customary use of land and families affected are now meeting and making every effort to agree to adjust the proposed lines, however these discussions requires more time; and

PAGE 2.

FLC-16-07-002

10. The Forest Lake Chapter supports and recommends immediate approval and implementation of this resolution and strongly believes that this resolution is in the best interest of the Navajo Nation, Forest Lake community and NPL residents.

NOW THEREFORE BE IT RESOLVED THAT:

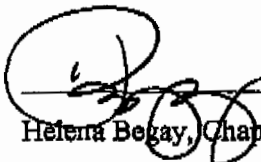
The Forest Lake Chapter requests and bids the Resource and Navajo Nation Council (NNC) to extend the Resolution CAP 26-16 amendment by an additional thirty (30) days.

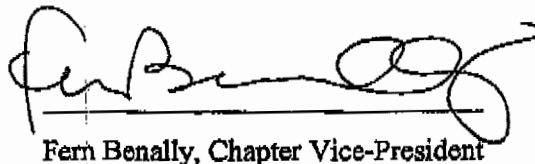
Motion by: Donald Chee


Second by: Gloria Johns

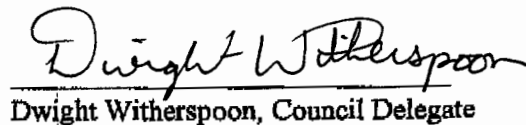
CERTIFICATION

We hereby certify that the foregoing resolution was considered at a duly call meeting at the Forest Lake Chapter, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 18 in favor, 0 opposed, and 7 abstained, on this 29th day of July 2016.


Helena Begay, Chapter President


Fern Benally, Chapter Vice-President


Brenda White, Secretary/Treasurer


Dwight Witherspoon, Council Delegate

Irene Begaye, Grazing Committee Member