

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0420-11_____

SPONSOR: Walter Phelps

**TITLE: An Action Relating To Resources And Development And
NAABIK'IYATI'; Supporting The Use Of Groundwater For Snowmaking On
Dook'o'osliid (San Francisco Peaks)**

Date posted: October 07, 2011

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5-DAY COMMENT PERIOD
Start: 10-7-11
End: 10-11-11
Signature: RM

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NAABIK'ÍYÁTI' COMMITTEE

THENCE

NAVAJO NATION COUNCIL

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 22nd NAVAJO NATION COUNCIL -- First Year, 2011

3 INTRODUCED BY

4 
5 (Prime Sponsor)

6 TRACKING NO. 0420-11

7 AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI';
8 SUPPORTING THE USE OF GROUNDWATER FOR SNOWMAKING ON
9 DOOK'O'OOSLÍID (SAN FRANCISCO PEAKS)
10
11

12 BE IT ENACTED:

- 13
- 14 1. The Navajo Nation hereby finds the following with respect to this resolution:
- 15 a. The Navajo Nation recognizes Dook'o'osliid (the San Francisco Peaks) as sacred
16 to the Navajo people and other Indian Nations in the southwestern United States.
17 Previous Navajo Nation Council Resolutions supporting the religious significance
18 of Dook'o'osliid are attached as Exhibits A, B, and C.
- 19 b. The U.S. Forest Service has stated that "Dook'o'osliid in general, and Mount
20 Humphrey in particular (where the Snowbowl ski area is located), are sacred to
21 members of the Navajo Tribe of Indians. Dook'o'osliid has a unique religious
22 significance on their daily lives; it has complete bearing on their daily personal
23 lives and the longevity of existence for these members of the tribe, and has
24 complete connection with daily songs and prayers to their super-natural beings."
- 25 c. The Navajo Nation, the Hopi Tribe, the Havasupai Nation, the Hualapai Tribe and
26 others filed suit in federal court to stop the desecration of this sacred mountain.
The opinion of the federal court in Navajo Nation, *et al.* v. United States Forest
Service, *et al.*, 535 F. 3d 1058 (9th Cir. 2008) failed to recognize the sacred stature

1 of Dook’o’osliíd and allowed the U.S. Forest Service to issue a permit to the
2 Arizona Snowbowl Resort for the manufacture of artificial snow from reclaimed
3 water. The United States Supreme Court denied the Navajo Nation’s Petition for
4 Certiorari, 129 S. Ct. 2763 (2009), authorizing the Ninth Circuit Court opinion to
5 stand.

6 d. The United States Supreme Court’s refusal to hear the case involving desecration
7 of Dook’o’osliíd leaves the Navajo Nation seeking alternative means of
8 addressing the defilement of the sacred mountain including supporting the use of
9 groundwater in the artificial snowmaking process. A resolution from the Western
10 Navajo Agency Council in support of the use of groundwater is attached hereto as
11 Exhibit D.

12 e. The Navajo Nation believes it is in the best interest of the Navajo People that
13 groundwater rather than reclaimed or recovered-reclaimed water be used to make
14 artificial snow, thereby preventing Dook’o’osliíd from being desecrated by
15 reclaimed or recovered-reclaimed water.

16 2. The Navajo Nation hereby supports the use of groundwater as opposed to reclaimed or
17 recovered-reclaimed water in the snowmaking process on Dook’o’osliíd (San Francisco
18 Peaks).

19 3. The Navajo Nation hereby requests the President of the Navajo Nation and the Speaker of
20 the Navajo Nation Council take all necessary and proper actions to effectuate the intent of
21 this resolution.
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LEGISLATIVE SUMMARY SHEET

Tracking No. 0420-11

DATE: October 6, 2011

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI'; SUPPORTING THE USE OF GROUNDWATER FOR SNOWMAKING ON DOOK'O'OOSLÍID (SAN FRANCISCO PEAKS)

PURPOSE: The purpose of the resolution is to support the use of groundwater to make snow on the San Francisco Peaks as opposed to using reclaimed or recovered-reclaimed water.

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.