TITLE: An Action Relating to Resources and Development Committee; Naabík’íyáti’ Committee, and the Navajo Nation Council; Requesting the National Park Service, Bureau of Reclamation, and Bureau of Indian Affairs Extend the Termination Date of the Quadrilateral Agreement, Memorandum of Understanding Dated September 16, 1994, and Bridge Agreement Dated January 13, 2003

Date posted: July 27, 2020 at 7:22PM

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DATE: July 24, 2020


PURPOSE: The purpose of this legislation is to requesting the National Park Service, Bureau Of Reclamation, And Bureau Of Indian Affairs extend the termination date of the Quadrilateral Agreement, Memorandum Of Understanding dated September 16, 1994, and Bridge Agreement dated January 13, 2003 for one year,

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.
PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL -- Second Year, 2020

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. _0164-20_

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE,
NAABIK'ÍYÁTT COMMITTEE, AND THE NAVAJO NATION COUNCIL;
REQUESTING THE NATIONAL PARK SERVICE, BUREAU OF RECLAMATION,
AND BUREAU OF INDIAN AFFAIRS EXTEND THE TERMINATION DATE OF
THE QUADRILATERAL AGREEMENT, MEMORANDUM OF UNDERSTANDING
DATED SEPTEMBER 16, 1994, AND BRIDGE AGREEMENT DATED JANUARY
13, 2003

WHEREAS:

A. The Navajo Nation Council is the governing body of the Navajo Nation. 2
N.N.C. §102(A).

B. The Resources and Development Committee is a standing committee of the
Navajo Nation Council. It has the oversight authority over water, land,
environmental protection, cultural resources, economic and community
development, trade and commerce. 2 N.N.C. §§ 500 (C).

C. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation
Council. It has the authority to "review and continually monitor the programs and
activities of federal and state departments and to assist development of such
programs designed to serve the Navajo People and the Navajo Nation through
intergovernmental relationships between the Navajo Nation and such

D. A proposed resolution requiring final action by the Navajo Nation Council shall
be assigned to the Naabik'iyáti Committee. 2 N.N.C. §164(A)(9).

E. The Navajo Nation has a government-to-government relationship with the United
States government.

F. The Navajo Nation entered into a Memorandum of Agreement, hereinafter
referred to as the "Quadrilateral Agreement," with the National Park Service, the
Bureau of Reclamation, and the Bureau of Indian Affairs on September 11, 1970.
The term of the Quadrilateral Agreement is 50 years and is set to expire on
September 11, 2020. The Quadrilateral Agreement is attached as Exhibit A.

G. The Quadrilateral Agreement preserves the Navajo Nation's rights, privileges,
and remedies available by law; authorizes the Navajo Nation to construct, contract
for, and manage the Rainbow Bridge Concession Area, subject to approval by the
National Park Service; and outlines rights and responsibilities relating to the
development, maintenance and management of Antelope Point.

H. In order to further the Quadrilateral Agreement, on September 16, 1994, the
Navajo Nation, National Park Service, and the Bureau of Indian Affairs entered
into a Memorandum of Understanding (MOU) to implement the Development
Concept Plan for Antelope Point. The MOU allowed the Navajo Nation and
National Park Service to develop a Concession Contract and Business Site Lease
for Antelope Point Holdings (developer selected for Antelope Point). The MOU
is to remain in effect until September 10, 2020; it is subject to renewal. The MOU
is attached as Exhibit B.

I. Based on the Quadrilateral Agreement, the MOU, and execution of the
Concession Contract and Business Site Lease, Navajo Nation and National Park
Service entered into a Bridge Agreement on January 13, 2003. The Bridge
Agreement is to expire on September 10, 2020; it is subject to renewal for an
additional term to run concurrently with the second term of the Quadrilateral Agreement. The Bridge Agreement is attached as **Exhibit C**.

**J.** COVID-19 is a dangerous and extremely contagious respiratory virus. The virus is a pandemic and has reached the Navajo Nation. COVID-19 is spreading at an alarming rate within the Navajo Nation; as of July 15, 2020, the Navajo Nation has reported 8,370 cases of COVID-19 and 406 related deaths.


**L.** On March 11, 2020, the Navajo Nation Commission on Emergency Management, with the concurrence of the Navajo Nation President and Vice President, declared a Public Health State of Emergency on the Navajo Nation due to the presence of COVID-19 in areas surrounding the Navajo Nation. Resolution No. CEM 20-03-11. The Commission has issued other Public Health Emergency Orders including: Order No. 2020-001 dated March 18, 2020 (declaring the outbreak of COVID-19 and limiting mass gatherings); Order No. 2020-002 dated March 19, 2020 (quarantining the Chilchinbeto Community); Order No. 2020-003 dated March 20, 2020 (ordering individuals living on the Navajo Nation to stay home and shelter in place except for essential activities, prohibiting visitors to the Navajo Nation, and closing all businesses on the Navajo Nation except essential businesses); Order No. 2020-004 dated March 29, 2020 (implementing a daily curfew from 8:00 p.m. to 5:00 a.m. for all Navajo Nation residents, extending the shelter in place order, and further limiting public gatherings); Order No. 2020-005 dated April 5, 2020 (implementing a 57-hour weekend curfew on April 10-13); Order No. 2020-006 dated April 16, 2020 (extending the weekend curfew for April 17-20 and April 24-27, and closing Navajo Nation essential businesses during curfew hours); Order No. 2020-007 dated April 17, 2020 (requiring face masks in public); Order No. 2020-008 dated April 29, 2020 (extending the
weekend curfew to May 11, 2020); Order No. 2020-009 dated May 14, 2020 (regarding voting during the current public health state of emergency); Orders No. 2020-010 through 2020-012 (weekend curfew and closing essential businesses); Order No. 2020-013 dated June 5, 2020 (daily curfew from 8:00 p.m. to 5:00 a.m.); Order No. 2020-014 dated June 5, 2020 (requirements for “drive-in” gatherings); Order No. 2020-015 dated June 16, 2020 (weekend curfew for two consecutive weekends and travel advisory outside of the Navajo Nation); Order No. 2020-016 dated June 30, 2020 (weekend curfew for three consecutive weekends); Order No. 2020-017 dated July 5, 2020 (re-issuing stay at home public health emergency order); and Order No. 2020-018 dated July 17, 2020 (weekend curfew for two consecutive weekends).

M. The Navajo Nation Office of the President and Vice President has issued Executive Orders, including: Executive Order 002-20 on March 31, 2020 (closing all Navajo Nation offices except essential personnel through April 21); Executive Order 003-20 on April 21, 2020 (extending the closure order to May 17, 2020); Executive Order 004-20 on May 12, 2020 (extending the closure order to June 7, 2020); Executive Order 005-20 on June 3, 2020 (extending the closure order to July 5, 2020); Executive Order 006-20 on June 30, 2020 (extending the closure order to July 26, 2020); and Executive Order 008-20 on July 22, 2020 (extending the closure order to August 16, 2020).

N. The Navajo Nation began discussions with the Navajo Nation Chapters that are located in the area affected by the Quadrilateral Agreement and in the vicinity of Antelope Point. The purpose of these discussions was to determine whether the Navajo Nation should extend the Quadrilateral Agreement. Before concluding these discussions, the COVID-19 pandemic arrived on the Navajo Nation. All meetings with the Chapters regarding the Quadrilateral Agreement have stopped. The Navajo Nation is still requiring its residents to maintain social distancing and has limited gatherings to five individuals. With these severe limitations on public gatherings, the necessary consultation among Navajo Nation leadership, Chapter officials, employees, and Navajo citizens has stalled.
O. The Navajo Nation finds it is in the best interest of the Navajo people to request the National Park Service, the Bureau of Reclamation, and the Bureau of Indian Affairs to extend the expiration of the Quadrilateral Agreement, Memorandum of Understanding dated September 16, 1994, and Bridge Agreement dated January 13, 2003 for one year to allow for additional time for the necessary consultation among the Navajo affected communities and individuals.

NOW THEREFORE BE IT RESOLVED THAT:

The Navajo Nation requests that the National Park Service, the Bureau of Reclamation, and the Bureau of Indian Affairs extend the expiration of the Quadrilateral Agreement, Memorandum of Understanding dated September 16, 1994, and Bridge Agreement dated January 13, 2003 for one year such that the Quadrilateral Agreement, Memorandum of Understanding, and Bridge Agreement expire on September 10, 2021.