LEGISLATION NO: _0047-20______ SPONSOR: Daniel Tso

TITLE: An Action Relating to Resources and Development and Naabik’íyáti’ Committees; Requesting the Bureau of Land Management and Bureau of Indian Affairs to extend the deadlines for Navajo Nation Input into the Programmatic Agreement for Fluid Mineral Leasing, Applications for permit to Drill, and Associated Rights-of-Way Development under the Farmington Mancos-Gallup Resource Management Plan Amendment and Associated Environmental Impact Statement

Date posted: March 6, 2020 at 4:45pm

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Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7590

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DATE: March 6, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES; REQUESTING THE BUREAU OF LAND MANAGEMENT AND BUREAU OF INDIAN AFFAIRS TO EXTEND THE DEADLINES FOR NAVAJO NATION INPUT INTO THE PROGRAMMATIC AGREEMENT FOR FLUID MINERAL LEASING, APPLICATIONS FOR PERMIT TO DRILL, AND ASSOCIATED RIGHTS-OF-WAY DEVELOPMENT UNDER THE FARMINGTON MANCOS-GALLUP RESOURCE MANAGEMENT PLAN AMENDMENT AND ASSOCIATED ENVIRONMENTAL IMPACT STATEMENT

PURPOSE: This resolution, if approved, will extend the time for the Navajo Nation to provide input to the Programmatic Agreement for fluid mineral leasing, applications for permit to drill, and associated rights-of-way development under the Farmington Mancos-Gallup Resource Management Plan Amendment and associated environmental impact statement.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.
PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL—Second Year, 2020

INTRODUCED BY

Primary Sponsor

TRACKING NO. Q047-20

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES; REQUESTING THE BUREAU OF LAND MANAGEMENT AND BUREAU OF INDIAN AFFAIRS TO EXTEND THE DEADLINES FOR NAVAJO NATION INPUT INTO THE PROGRAMMATIC AGREEMENT FOR FLUID MINERAL LEASING, APPLICATIONS FOR PERMIT TO DRILL, AND ASSOCIATED RIGHTS-OF-WAY DEVELOPMENT UNDER THE FARMINGTON MANCOS-GALLUP RESOURCE MANAGEMENT PLAN AMENDMENT AND ASSOCIATED ENVIRONMENTAL IMPACT STATEMENT

WHEREAS:

A. The Navajo Nation established the Resources and Development Committee as a Navajo Nation Council standing committee and as such empowered the Committee to exercise oversight authority over land, cultural resources, rights-of-ways, and minerals and to protect the rights, sacred sites and freedoms of the Navajo Nation and People to such resources. 2 N.N.C. §§ 500 (C) and (C)(1).

B. The Navajo Nation established the Naabik’íyáti’ Committee as a Navajo Nation Council standing committee and as such empowered the Committee to review and continually monitor programs of federal, state and local departments and to assist
development of such programs designed to serve the Navajo people and the Navajo Nation through intergovernmental agreements. 2 N.N.C. §§ 700 (A) and 701 (A)(6).

C. The Naabik'iyáti' Committee is also empowered to coordinate with committees, Chapters, branches and entities concerned with all Navajo appearances and testimony before departments of the United States government and state and local government departments. 2 N.N.C. § 701 (A)(8).

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

E. The Bureau of Land Management (BLM) Farmington Field Office (FFO) and Bureau of Indian Affairs (BIA) Navajo Regional Office (NRO) are the lead federal agencies for the Section 106 consultation process of the National Historic Preservation Act (NHPA) related to the BLM and BIA’s joint effort in preparation of an Environmental Impact Statement (EIS) in the San Juan Basin.

F. The BLM is using the EIS process to manage development in the Mancos Shale-Gallup oil and gas producing geologic formation, as well as making decisions regarding rights-of-way, vegetation, and lands with wilderness characteristics; the BIA is using the EIS process for mineral leasing and associated decisions on Navajo Tribal trust and individual Indian allotment lands.

G. Attendant to the EIS process, the BLM and BIA NRO serve as co-lead federal agencies for purposes of compliance with the National Environmental Policy Act (NEPA) and Section 106 of the NHPA and related requirements for the Farmington Mancos-Gallup Resource Management Plan Amendment and Associated Environmental Impact Statement (FMG/RMPA/EIS).

H. The BLM and BIA NRO have acknowledged that the Navajo Nation has its own perspective, understanding, and knowledge about the San Juan Basin and the historic properties located therein and that the Navajo Nation has special expertise to identify historic properties that have traditional cultural significance to the Navajo Nation and Navajo people.

I. The BLM and BIA NRO have also acknowledged that the identification of historic Navajo properties and assessment of potential adverse effects from oil and gas
development activities and associated Right-of-Way development actions within the EIS Decision Area require consultation processes under Section 106 of the NHPA.

J. The BLM and BIA NRO have proposed to develop stipulations and other conditions to guide their management and development of oil and gas trust resources owned by the Navajo Nation and individual Indian allottees through a Programmatic Agreement, working draft attached as Exhibit A.

K. The Navajo Nation, through the Historic Preservation Office, is a Consulting Party, as well as a Signatory, to the Programmatic Agreement.

L. Despite requests by numerous Consulting Parties to extend the deadline, the BLM has indicated through email, attached as Exhibit B, that it will only accept proposed amendments to the draft Programmatic Agreement, attached at Exhibit A, through March 16th and proposed language for applications for permits to drill and right-of way (APD/ROW) stipulations through March 20th.

M. The Navajo Nation needs time beyond the deadlines set by the BLM to present the draft Programmatic Agreement to Leadership for discussion and to affected local chapters and communities for comment.

THEREFORE, BE IT RESOLVED:

A. The Navajo Nation Council hereby requests the Bureau of Land Management Farmington Field Office and Bureau of Indian Affairs Navajo Regional Office to extend the deadlines to accept proposed amendments to the draft Programmatic Agreement and proposed language for applications for permits to drill and right-of way stipulations for at least forty-five (45) days.

B. The Navajo Nation hereby authorizes the Speaker of the Navajo Nation Council, President of the Navajo Nation, and their designees, to advocate for the extension of time set forth above.