

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0047-20\_\_\_\_\_

SPONSOR: Daniel Tso

**TITLE: An Action Relating to Resources and Development and Naabik'iyáti' 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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Office of Legislative Services  
P.O. Box 3390  
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**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0047-20

**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.**

5-DAY BILL HOLD PERIOD: SNOTAH  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 03-11-20  
Eligible for Action: 03-12-20

1 PROPOSED STANDING COMMITTEE RESOLUTION  
2 24<sup>th</sup> NAVAJO NATION COUNCIL—Second Year, 2020

3 INTRODUCED BY

4  
5 \_\_\_\_\_  
6 Primary Sponsor



7  
8 TRACKING NO. 0047-20

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

20  
21 WHEREAS:

- 22 A. The Navajo Nation established the Resources and Development Committee as a Navajo  
23 Nation Council standing committee and as such empowered the Committee to exercise  
24 oversight authority over land, cultural resources, rights-of-ways, and minerals and to  
25 protect the rights, sacred sites and freedoms of the Navajo Nation and People to such  
26 resources. 2 N.N.C. §§ 500 (C) and (C)(1).  
27 B. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation  
28 Council standing committee and as such empowered the Committee to review and  
29 continually monitor programs of federal, state and local departments and to assist  
30

1 development of such programs designed to serve the Navajo people and the Navajo  
2 Nation through intergovernmental agreements. 2 N.N.C. §§ 700 (A) and 701 (A)(6).

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

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

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

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

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

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

29 I. The BLM and BIA NRO have also acknowledged that the identification of historic  
30 Navajo properties and assessment of potential adverse effects from oil and gas

1 development activities and associated Right-of-Way development actions within the  
2 EIS Decision Area require consultation processes under Section 106 of the NHPA.

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

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

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

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

17  
18 **THEREFORE, BE IT RESOLVED:**

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

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