

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0049-20_____

SPONSOR: Mark Freeland

TITLE: An Action Relating to Resources and Development Committee, Naabik'iyáti' Committee and the Navajo Nation Council; Rescinding CO-47-12; Re-affirming CAP-11-11; and respectfully requesting the United States Congress enact legislation consistent with the principles stated in CAP-11-11 and the Eastern Navajo Agency Land consolidation goals of the Navajo Nation

Date posted: March 9, 2020 at 5:42pm

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P.O. Box 3390
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LEGISLATIVE SUMMARY SHEET

Tracking No. 0049-20

DATE: February 12, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; RESCINDING CO-47-12; RE-AFFIRMING CAP-11-11; AND RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS ENACT LEGISLATION CONSISTENT WITH THE PRINCIPLES STATED IN CAP-11-11 AND THE EASTERN NAVAJO AGENCY LAND CONSOLIDATION GOALS OF THE NAVAJO NATION

PURPOSE: The purpose of this proposed resolution is to Rescind CO-47-12; Re-Affirm CAP-11-11, include three additional policies to the Eastern Navajo Agency consolidation policies; and to ask the United States Congress to enact a federal resolution that will include the policies stated in CAP-11-11 and the three additional policies. The three additional policies are:

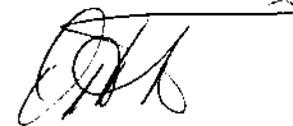
1. Adding an explicit request that Congress direct the Department of the Interior to take Navajo Nation fee lands in the Eastern Navajo Agency into trust or restricted fee status;
2. Authorizing a three-way exchange of New Mexico State trust lands in the Eastern Navajo Agency among the Bureau of Land Management, the State of New Mexico, and the Navajo Nation; and
3. Identifying specific Executive Order and other withdrawn federal lands to be taken into trust or restricted fee status for the Navajo Nation by the Department of Interior.

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.

5-DAY BILL HOLD PERIOD: [Signature]
Website Posting Time/Date: _____
Posting End Date: 03-14-20
Eligible for Action: 03-15-20

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL—Second Year, 2020

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0049-20

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE,
NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL;
RESCINDING CO-47-12; RE-AFFIRMING CAP-11-11; AND RESPECTFULLY
REQUESTING THE UNITED STATES CONGRESS ENACT LEGISLATION
CONSISTENT WITH THE PRINCIPLES STATED IN CAP-11-11 AND THE
EASTERN NAVAJO AGENCY LAND CONSOLIDATION GOALS OF THE
NAVAJO NATION

BE IT ENACTED:

Section One. Authority

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (C).
- B. The Navajo Nation Council established the Resources and Development Committee as a Navajo Nation Council Standing Committee empowered with oversight over land issues. 2 N.N.C. § 500 (C).
- C. The Navajo Nation Council established the Naabik'iyáti' Committee as a Navajo Nation Council Standing Committee. Proposed resolutions requiring the final authority of the Navajo Nation Council are to be assigned to the Naabik'iyáti' Committee. 2 N.N.C. § 164 (A)(9).

1
2 **Section Two. Findings**

3 A. The Eastern Navajo Land Commission (“Commission”) is established in the
4 Legislative Branch with primary responsibility for the direction of the Navajo
5 Nation’s land acquisition and consolidation efforts in the Eastern Navajo Agency. 2
6 N.N.C. § 863 (J).

7 B. The Commission passed resolution ENLCF-01-10 entitled *Requesting that the*
8 *Navajo Nation Formally Seek, and that the United States Enact, Legislation to*
9 *Consolidate Navajo Lands in the Eastern Navajo Agency, Re-convey Lands to*
10 *Navajo Nation Trust Status that Were Unlawfully Restored to the Public Domain,*
11 *Confirm The Trust Status Of Lands Purchased by the United States under*
12 *Legislation Intended by Congress to be Held in Trust For The Navajo Nation,*
13 *Preserve All Valid Existing Rights, and Authorize the Conveyance of Navajo Nation*
14 *Interests in Certain Lands of Extraordinary Archaeological Significance to the*
15 *United States to Consolidate such Lands in Federal Ownership.* ENLCF-01-10 is
16 attached as Exhibit D within **Exhibit 2**.

17 C. The Navajo Nation Council agreed with the Commission’s request and enacted
18 Resolution CAP-11-11, AN ACTION RELATING TO THE NAABIK’ÍYÁTI
19 COMMITTEE, APPROVING AND REQUESTING THAT THE UNITED
20 STATES CONGRESS TAKE INTO TRUST STATUS NAVAJO LANDS IN THE
21 EASTERN NAVAJO AGENCY, RE-CONVEY LANDS TO NAVAJO TRUST
22 STATUS, CONFIRM THE TRUST STATUS OF LANDS PURCHASE[D] BY
23 THE UNITED STATES UNDER LEGISLATION INTENDED BY CONGRESS
24 TO BE HELD IN TRUST FOR THE NAVAJO NATION, PRESERVE ALL
25 VALID EXISTING RIGHTS, AND AUTHORIZED THE CONVEYANCE OF
26 NAVAJO NATION INTERESTS IN CERTAIN LANDS OF EXTRAORDINARY
27 ARCHAEOLOGICAL SIGNIFICAN[CE] TO THE UNITED STATES TO
28 CONSOLIDATE SUCH LANDS IN FEDERAL OWNERSHIP. CAP-11-11 is
29 attached as **Exhibit 2**.

1 D. Navajo Nation Council Resolution CAP-11-11 Section 1 provides a history of the
2 current land status of the Eastern Navajo Agency. See CAP-11-11 Section 1.

3 A. A year and a half after the enactment of CAP-11-11, the Commission, through
4 Eastern Navajo Land Commission resolution ENLCD-07-11 requested that the Navajo
5 Nation Council include advocacy for the federal government's obligation to
6 complete the Navajo Indian Irrigation Project in addition to land consolidation
7 within the Eastern Navajo Agency. ENLCD-07-11 is attached as Exhibit 6 within
8 CO-47-12, **Exhibit 3**.

9 B. The Navajo Nation Council through Resolution CO-47-12 agreed with the inclusion
10 of a statement regarding the federal government's obligation to complete the
11 Navajo Indian Irrigation Project. CO-47-12 is attached as **Exhibit 3**.

12 C. In 2019, almost seven years after the enactment of Navajo Nation Council
13 Resolution CO-47-12, the Commission passed resolution ENLCD-07-19 entitled
14 *Respectfully Requesting the Navajo Nation Council to Formally Readopt Its*
15 *Resolution CAP-11-11 as It May Be Modified in Conformity with the*
16 *Recommendations of this Commission*. ENLCD-07-19 is attached as **Exhibit 4**.

17 D. The Eastern Navajo Land Commission through resolution ENLCD-07-19, **Exhibit**
18 **4**, has requested that the previously enacted Navajo Nation Council Resolution CO-
19 47-12, **Exhibit 3**, be rescinded and that Navajo Nation Council Resolution CAP-11-
20 11, **Exhibit 2**, be readopted. The Commission through ENLCD-07-19 is requesting
21 that the Navajo Nation refocus its efforts primarily on land consolidation in the
22 Eastern Navajo Agency.

23 E. The Commission through resolution ENLCD-07-19, **Exhibit 4**, has further
24 requested that the Navajo Nation Council advocate for three additional policies:

- 25 1. Adding an explicit request that Congress direct the Department of the
26 Interior to take Navajo Nation fee lands in the Eastern Navajo Agency into
27 trust or restricted fee status;
- 28 2. Authorizing a three-way exchange of New Mexico State trust lands in the
29 Eastern Navajo Agency among the Bureau of Land Management, the State
30 of New Mexico, and the Navajo Nation; and

1 3. Identifying specific Executive Order and other withdrawn federal lands to
2 be taken into trust or restricted fee status for the Navajo Nation by the
3 Department of Interior.

4 F. The three additional policies advocated for enactment by the United States
5 Congress and the policies included in Navajo Nation Council Resolution CAP-11-
6 11 are described in the proposed Congressional legislation attached as **Exhibit 1**
7 (and its Exhibits A, B and C), entitled *Eastern Navajo Agency Land Exchange and*
8 *Archeological Protection Act of 2020*.

9
10 **Section Three. Rescinding CO-47-12**

11 The Navajo Nation hereby rescinds Navajo Nation Council Resolution CO-47-12.

12
13 **Section Four. Reaffirming CAP-11-11**

14 The Navajo Nation hereby reaffirms Navajo Nation Council Resolution CAP-11-12.

15
16 **Section Five. Requesting United States Congressional Enactment of the Eastern**
17 **Navajo Agency Land Exchange and Archeological Protection Act of 2020**

18 The Navajo Nation hereby respectfully requests the United States Congress approve *An*
19 *Act to declare that certain land of the United States shall be held in trust for the Navajo*
20 *Nation and be made a part of the Navajo Indian Reservation, to accept the conveyance*
21 *of certain lands of and interests in land held by the Navajo Nation, to preserve valid*
22 *existing rights in lands held in trust of the Navajo Nation hereunder, and for other*
23 *purposes.* The proposed language for the Congressional legislation is attached hereto
24 as **Exhibit 1** with its Exhibits A, B and C.

25
26 **Section Six. Authorization to the Navajo Nation President**

27 The Navajo Nation hereby authorizes the President of the Navajo Nation to execute any
28 and all documents and take any reasonable and proper steps necessary to effectuate the
29 intent and purpose of this resolution.