

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0164-20__

SPONSOR: Paul Begay, Jr.

TITLE: An Action Relating to Resources and Development Committee; Naabik'iyáti' 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

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0164-20

DATE: July 24, 2020

TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, NAABIK'ÍKÁTI' 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

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.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: _____
Posting End Date: 08-01-20
Eligible for Action: 08-02-20

Resources & Development Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL -- Second Year, 2020

3 INTRODUCED BY

4 
5 _____
6 (Prime Sponsor)

7
8 TRACKING NO. 0164-20

9
10 AN ACTION

11 RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE,
12 NAABIK'ÍYÁTI' COMMITTEE, AND THE NAVAJO NATION COUNCIL;
13 REQUESTING THE NATIONAL PARK SERVICE, BUREAU OF RECLAMATION,
14 AND BUREAU OF INDIAN AFFAIRS EXTEND THE TERMINATION DATE OF
15 THE QUADRILATERAL AGREEMENT, MEMORANDUM OF UNDERSTANDING
16 DATED SEPTEMBER 16, 1994, AND BRIDGE AGREEMENT DATED JANUARY
17 13, 2003

18
19 **WHEREAS:**

- 20 A. The Navajo Nation Council is the governing body of the Navajo Nation. 2
21 N.N.C. §102(A).
22 B. The Resources and Development Committee is a standing committee of the
23 Navajo Nation Council. It has the oversight authority over water, land,
24 environmental protection, cultural resources, economic and community
25 development, trade and commerce. 2 N.N.C. §§ 500 (C).
26 C. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation
27 Council. It has the authority to "review and continually monitor the programs and
28 activities of federal and state departments and to assist development of such
29 programs designed to serve the Navajo People and the Navajo Nation through
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1 intergovernmental relationships between the Navajo Nation and such
2 departments." 2 N.N.C. §701(A)(7).

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

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

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

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

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

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

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

7 K. The World Health Organization declared a Public Health Emergency of
8 International Concern on January 30, 2020; the United States Department of
9 Health and Human Services declared a Public Health Emergency related to the
10 COVID-19 outbreak on January 31, 2020; and the World Health Organization
11 officially declared a pandemic due to COVID-19 on March 11, 2020.

12 L. On March 11, 2020, the Navajo Nation Commission on Emergency Management,
13 with the concurrence of the Navajo Nation President and Vice President, declared
14 a Public Health State of Emergency on the Navajo Nation due to the presence of
15 COVID-19 in areas surrounding the Navajo Nation. Resolution No. CEM 20-03-
16 11. The Commission has issued other Public Health Emergency Orders
17 including: Order No. 2020-001 dated March 18, 2020 (declaring the outbreak of
18 COVID-19 and limiting mass gatherings); Order No. 2020-002 dated March 19,
19 2020 (quarantining the Chilchinbeto Community); Order No. 2020-003 dated
20 March 20, 2020 (ordering individuals living on the Navajo Nation to stay home
21 and shelter in place except for essential activities, prohibiting visitors to the
22 Navajo Nation, and closing all businesses on the Navajo Nation except essential
23 businesses); Order No. 2020-004 dated March 29, 2020 (implementing a daily
24 curfew from 8:00 p.m. to 5:00 a.m. for all Navajo Nation residents, extending the
25 shelter in place order, and further limiting public gatherings); Order No. 2020-005
26 dated April 5, 2020 (implementing a 57-hour weekend curfew on April 10-13);
27 Order No. 2020-006 dated April 16, 2020 (extending the weekend curfew for
28 April 17-20 and April 24-27, and closing Navajo Nation essential businesses
29 during curfew hours); Order No. 2020-007 dated April 17, 2020 (requiring face
30 masks in public); Order No. 2020-008 dated April 29, 2020 (extending the

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1 weekend curfew to May 11, 2020); Order No. 2020-009 dated May 14, 2020
2 (regarding voting during the current public health state of emergency); Orders No.
3 2020-010 through 2020-012 (weekend curfew and closing essential businesses);
4 Order No. 2020-013 dated June 5, 2020 (daily curfew from 8:00 p.m. to 5:00
5 a.m.); Order No. 2020-014 dated June 5, 2020 (requirements for “drive-in”
6 gatherings); Order No. 2020-015 dated June 16, 2020 (weekend curfew for two
7 consecutive weekends and travel advisory outside of the Navajo Nation); Order
8 No. 2020-016 dated June 30, 2020 (weekend curfew for three consecutive
9 weekends); Order No. 2020-017 dated July 5, 2020 (re-issuing stay at home
10 public health emergency order); and Order No. 2020-018 dated July 17, 2020
11 (weekend curfew for two consecutive weekends).

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

21 N. The Navajo Nation began discussions with the Navajo Nation Chapters that are
22 located in the area affected by the Quadrilateral Agreement and in the vicinity of
23 Antelope Point. The purpose of these discussions was to determine whether the
24 Navajo Nation should extend the Quadrilateral Agreement. Before concluding
25 these discussions, the COVID-19 pandemic arrived on the Navajo Nation. All
26 meetings with the Chapters regarding the Quadrilateral Agreement have stopped.
27 The Navajo Nation is still requiring its residents to maintain social distancing and
28 has limited gatherings to five individuals. With these severe limitations on public
29 gatherings, the necessary consultation among Navajo Nation leadership, Chapter
30 officials, employees, and Navajo citizens has stalled.

1 O. The Navajo Nation finds it is in the best interest of the Navajo people to request
2 the National Park Service, the Bureau of Reclamation, and the Bureau of Indian
3 Affairs to extend the expiration of the Quadriateral Agreement, Memorandum of
4 Understanding dated September 16, 1994, and Bridge Agreement dated January
5 13, 2003 for one year to allow for additional time for the necessary consultation
6 among the Navajo affected communities and individuals.
7

8 **NOW THEREFORE BE IT RESOLVED THAT:**

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