

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0166-19_____

SPONSOR: Herman Daniels

TITLE: An Action Relating to Resources And Development Committee And Naabik'iyáti' Committee Supporting H.R. 871 Titled "To Expand the Boundaries Of The Bears Ears National Monument, To Ensure Prompt Engagement With The Bears Ears Commission And Prompt Implement Of The Proclamation Establishing The Bears Ears National Monument And For Other Purposes"

Date posted: June 28, 2019 at 11:55am

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LEGISLATIVE SUMMARY SHEET

Tracking No. 01166-19

DATE: June 25, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE SUPPORTING H.R. 871 TITLED "TO EXPAND THE BOUNDARIES OF THE BEARS EARS NATIONAL MONUMENT, TO ENSURE PROMPT ENGAGEMENT WITH THE BEARS EARS COMMISSION AND PROMPT IMPLEMENTATION OF THE PROCLAMATION ESTABLISHING THE BEARS EARS NATIONAL MONUMENT AND FOR OTHER PURPOSES"

PURPOSE: The purpose of the resolution is to support H.R. 871 titled "To expand the boundaries of the Bears Ears National monument, to ensure prompt engagement with the Bears Ears Commission and prompt implementation of the Proclamation establishing the Bears Ears National Monument, and for other purposes." and to authorize the President of Navajo Nation, and the Navajo Nation Washington office, and their designees, to advocate the Navajo Nation's support to H.R. 871.

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: 2300
Website Posting Time/Date: _____
Posting End Date: 7.3.19
Eligible for Action: 7.4.19

Resources & Development Committee
Thence
Naa'bik'iyáti' Committee

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL—FIRST YEAR, 2019

3 INTRODUCED BY

4  Thomas M. Pineda

5 Primary Sponsor

6 TRACKING NO. 0166-19

7 AN ACTION

8 RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE AND
9 NAABIK'ÍYÁTI' COMMITTEE SUPPORTING H.R. 871 TITLED "TO EXPAND
10 THE BOUNDARIES OF THE BEARS EARS NATIONAL MONUMENT, TO
11 ENSURE PROMPT ENGAGEMENT WITH THE BEARS EARS COMMISSION
12 AND PROMPT IMPLEMENTATION OF THE PROCLAMATION
13 ESTABLISHING THE BEARS EARS NATIONAL MONUMENT AND FOR
14 OTHER PURPOSES"

15 WHEREAS:

- 16 A. The Navajo Nation established the Resources and Development Committee ("RDC") as a
17 Navajo Nation Council standing committee and as such empowered RDC with oversight
18 of land, environmental protection and cultural resources and authority to review and
19 recommend resolutions to the Naabik'iyáti' Committee and Navajo Nation Council to
20 accomplish or impact the Committee purpose. See 2 N.N.C. §§ 164 (A)(9), 500 (C), 501
21 (B)(4)(a) (2015);
- 22 B. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation
23 Council standing committee and as such empowered Naabik'iyáti' Committee to
24 coordinate with all committees, Chapters, branches and entities concerned with all
25 Navajo appearances and testimony before Congressional committees, and
26 departments of the United States government. See 2 N.N.C. §§ 164 (A)(9), 700 (A),
27 701 (A)(8) (2015);

1 C. The Navajo Nation has a government-to-government relationship with the United
2 States of America, Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.

3 D. In Proclamation 9558 of December 28, 2016, President Barack Obama exercised his
4 authority under section 320301 of title 54, United States Code (the Antiquities Act),
5 and established the Bear Ears National Monument located in the state of Utah. The
6 Proclamation reserved approximately 1.35 million acres of federal land to be
7 protected and managed by the Department of the Interior's Bureau of Land
8 Management and Department of Agriculture's United States Forest Service. The
9 Proclamation also acknowledged the centuries of habitation of the area by indigenous
10 peoples, the protection it provided to Navajo people during the Long Walk to Fort
11 Sumner, and the profound sacredness of the land encompassing the Bears Ears
12 National Monument to the Navajo Nation and other surrounding Native American
13 tribes. In addition to the historical and cultural importance of the area, the
14 Proclamation also established the Bears Ears National Monument for the protection
15 of including but not limited to, various vegetation, geology, topography and ecology
16 found within. The Proclamation also established the Bears Ear Commission,
17 comprised of tribal leaders, to provide guidance and recommendation for subsequent
18 management plans and set forth the requirements for tribal inclusion and consultation
19 by the Department of the Interior and Department of Agriculture in the Monument's
20 management plan. *See* Proclamation No. 9558, 82 Fed. Reg. 3, 1139 (Jan. 5, 2017).

21 E. In Proclamation 9681 of December 4, 2017, President Donald Trump modified the
22 Bears Ears National Monument as set forth in Proclamation 9558. Proclamation 9681
23 reduced the land base of the Bears Ears National Monument by approximately
24 1,150,860 acres finding the 1.35 million acres reserved under Proclamation 9558
25 unnecessary for the care and management of the objects described in Proclamation
26 9558. Proclamation 9681 also opened public and National Forrest System lands
27 excluded from the monument reservation to entry, location, selection, sale and other
28 disposition under laws applicable to the U.S. Forest Service, disposition under laws
29 relating to mineral and geothermal leasing and location, entry and patent under
30 mining laws. *See* Proclamation No. 9681, 82 Fed. Reg. 235, 58081 (Dec. 8, 2017).

1 F. The Navajo Nation has historical, cultural, and economic connections to the area
2 known as the Bears Ears National Monument long before Utah statehood in 1896.
3 Association with the Bears Ears area by the Navajo people is evidenced by oral
4 histories, ruins, and the continued utilization of the resources located within the
5 vicinity of Bears Ears.

6 G. On January 30, 2019 H.R. 871 titled "Bears Ears Expansion and Respect for
7 Sovereignty Act" was introduced in the 116th United States Congress House of
8 Representatives. This act seeks to expand the boundaries of the Bears Ears National
9 Monument. *See Exhibit A.*

10 H. On March 30, 2019, the Commission on Navajo Government Development passed
11 Resolution No. CNGD-0301-19 to formally support H.R. 871 in the interest and
12 context of 1 N.N.C. §§ 201-206, the Diné People's deep respect for sacred sites,
13 ecological preservation, and Navajo philosophical narratives associated with the area
14 known as Bears Ears National Monument. *See Exhibit B.*

15 I. The Navajo Nation supports H.R. 871 for the following reasons:

- 16 1. The Act will expand the Bears Ears National Monument to comprise
17 approximately 1,931,997 acres of Federal land;
- 18 2. The Act will ensure that the federal government will carry out provisions of the
19 Proclamation to meaningfully engage with the Bears Ears Inter-Tribal Coalition
20 on management decisions affecting the monument, reflecting tribal expertise and
21 traditional and historical knowledge;
- 22 3. The Act will restore meaningful government-to-government relations between
23 tribes and the federal government;
- 24 4. The expanded land base of the Bears Ears National Monument will restore
25 protection to countless cultural, natural, and sacred objects; and
- 26 5. The Act will maintain the Diné People's deep cultural and spiritual connections to
27 the area known as Bears Ears National Monument and its continued responsible
28 development.

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30 **THEREFORE, BE IT RESOLVED:**

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A. The Navajo Nation hereby supports H.R. 871 titled "To expand the boundaries of the Bears Ears National monument, to ensure prompt engagement with the Bears Ears Commission and prompt implementation of the Proclamation establishing the Bears Ears National Monument, and for other purposes"

B. The Navajo Nation hereby authorizes the President of the Navajo Nation, and the Navajo Nation Washington Office, and their designees, to advocate the Navajo Nation's support to H.R. 871 titled "To expand the boundaries of the Bears Ears National monument, to ensure prompt engagement with the Bears Ears Commission and prompt implementation of the Proclamation establishing the Bears Ears National Monument, and for other purposes" and to advocate for its passage and swift implementation.