

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0218-20__

SPONSOR: Mark Freeland

TITLE: An Action Relating To An Emergency; Submission Of The Navajo Nation Heritage And Historic Preservation Department's Proposal Entitled "Chaco Canyon Cultural Resources Investigations" To The United States Department Of Interior Office Of The Secretary

Date posted: September 4, 2020 at 4:35PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0218-20

DATE: September 4, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY; SUBMISSION OF THE NAVAJO NATION HERITAGE AND HISTORIC PRESERVATION DEPARTMENT'S PROPOSAL ENTITLED "CHACO CANYON CULTURAL RESOURCES INVESTIGATIONS" TO THE UNITED STATES DEPARTMENT OF INTERIOR OFFICE OF THE SECRETARY

PURPOSE: The purpose of the resolution is to approve the submission to the United States Department of Interior of the Navajo Nation Heritage and Historic Preservation Department's proposal regarding the Chaco Canyon and the Navajo: An Ethnographic Study. The United States Department of Interior invited the Navajo Nation "to submit a proposal to conduct a cultural resources investigation to identify culturally and historically significant areas and sites in the Chaco Canyon area."

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.

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

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4 INTRODUCED BY

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(Prime Sponsor)

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9 TRACKING NO. 0218-20

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11 AN ACTION
12 RELATING TO AN EMERGENCY; SUBMISSION OF THE NAVAJO NATION
13 HERITAGE AND HISTORIC PRESERVATION DEPARTMENT'S PROPOSAL
14 ENTITLED "CHACO CANYON CULTURAL RESOURCES INVESTIGATIONS"
15 TO THE UNITED STATES DEPARTMENT OF INTERIOR OFFICE OF THE
16 SECRETARY

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18 WHEREAS:

- 19 A. The Navajo Nation Council is the governing of body of the Navajo Nation. 2
20 N.N.C. § 102(A).
- 21 B. Pursuant to 2 N.N.C. §164 (A)(16) "[m]atters constituting an emergency shall
22 be limited to the cessation of law enforcement services, and disaster relief
23 services, fire protection services or other direct services required as an
24 entitlement under Navajo Nation or Federal law, or which directly threaten the
25 sovereignty of the Navajo Nation. Such an emergency matter must arise due to
26 the pressing public need for such resolution(s) and must be a matter requiring
27 final action by the Council."
- 28 C. The Navajo Nation has received an invitation from the United States
29 Department of the Interior to "submit a proposal to conduct a cultural resources
30 investigation to identify culturally and historically significant areas and sites in

1 the Chaco Canyon area.” Letter dated July 27, 2020 from the Secretary of the
2 Interior to the President Jonathan Nez is attached as **Exhibit A**.

3 D. The deadline for submissions to be received is no later than 12:00 pm on
4 September 8, 2020. **Exhibit A**.

5 E. The Requirements for the Cultural Resources Investigation include that it “Be
6 performed by Tribal cultural experts; Consist of a comprehensive review of
7 available cultural resource materials, consultation with cultural experts, and
8 other appropriate non-invasive means necessary to identify sites that are
9 culturally affiliated; Give special emphasis to areas of high oil and gas
10 development potential within the Mancos-Gallup Resource Management Plan
11 Amendment (RMPA) Planning Area, as required by the Conference Report
12 authorizing this study and; Culminate in a comprehensive report identifying
13 culturally and historically significant areas and sites.” **Exhibit A**.

14 F. The Navajo Nation Heritage and Historic Preservation Department has
15 developed the proposal entitled, the *Chaco Canyon and the Navajo: An*
16 *Ethnographic Study*, which is attached as **Exhibit B**.

17 G. The proposal, the *Chaco Canyon and the Navajo: An Ethnographic Study*,
18 states that the Navajo Nation intends to: Promote and protect the sovereignty of
19 the Navajo Nation; Assist in the participation in the Farmington Mancos-
20 Gallup Resource management Plan Amendment (RMPA) concerning the oil
21 and gas development in the Chacoan landscape through the collection of
22 ethnographic information from local Navajo communities; Preserve the
23 material and cultural remains of the Navajo past, present, and future; Correct
24 100+ years of misinformation by anthropologists and archaeologists about
25 Navajo history and origins in the Southwest; Strengthen Navajo ties to the
26 Chacoan landscape; Encourage respect for Navajo traditional history (songs
27 and ceremonies); Involve the Navajo public, including the youth, in the
28 management of their cultural resources. **Exhibit B** page 1.

29 H. The proposal, the *Chaco Canyon and the Navajo: An Ethnographic Study*,
30 states that “[t]he Navajo Nation intends to base our study based on its cultural

1 traditions, primarily our clan system which is evidence of our presence in the in
2 the Chacoan landscape since time immemorial, and the development and
3 practices of Navajo ceremonialism.” **Exhibit B** page 2.

4 I. The Navajo Nation Heritage and Historic Preservation Department has
5 developed the “Chaco—Proposed Budget for FY’2021 (A17AV00262)—
6 08/11/20” which is attached as **Exhibit C**. The Proposed Budget specifies the
7 expenditure of \$434,356.07.

8 J. The Chaco Canyon and the Navajo: An Ethnographic Study states: “The
9 Navajo people are the individuals primarily affected by any and all
10 development activities in the greater Chacoan Landscape. Navajo people live
11 throughout the project area on Navajo Nation Trust Lands, Individual Indian
12 Allotments (IIA) and on lands that have different statuses. The Navajo Nation
13 Cultural Resources Protection Act (NNCRPA, 1988) governs any ethnographic
14 and archaeological work on any lands under the jurisdiction of the Navajo
15 Nation through the issuance of permits. For all of the reasons mentioned above,
16 we reiterate our request for funds to be given directly to the Navajo Nation to
17 conduct this work so important to our history and maintain our culture and
18 traditions for our children and grandchildren.” **Exhibit B** page 4.

19 K. The Navajo Nation Council hereby finds that the submission of the proposal
20 developed by the Navajo Nation Heritage and Historic Preservation
21 Department, entitled the Chaco Canyon and the Navajo: An Ethnographic
22 Study, will promote and protect the sovereignty of the Navajo Nation. The
23 submittal of this proposal to the Secretary of the Interior by the September 8,
24 2020 deadline is, therefore, an emergency requiring action by the Navajo
25 Nation Council.

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27 **NOW THEREFORE BE IT RESOLVED:**

28 The Navajo Nation Council hereby approves the submission to the United States
29 Department of Interior of the Navajo Nation Heritage and Historic Preservation
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Department's proposal regarding the Chaco Canyon and the Navajo: An
Ethnographic Study.