

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0173-22_

SPONSOR: Thomas Walker, Jr.

TITLE: An Action Relating to the Resources and Development Committee and the Naabik'iyáti' Committee; Approving the Final Programmatic Environmental Assessment, Former Bennett Freeze Area Integrated Resource Management Plan

Date posted: September 23, 2022 at 6:09PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0173-22

DATE: September 22, 2022

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION, AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE AND THE NAABIK'ÍYÁTI COMMITTEE; APPROVING THE FINAL PROGRAMMATIC ENVIRONMENTAL ASSESSMENT, FORMER BENNETT FREEZE AREA INTEGRATED RESOURCE MANAGEMENT PLAN

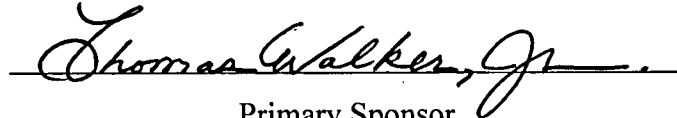
PURPOSE: The purpose of this legislation is to approve the Final Programmatic Environmental Assessment, Former Bennett Freeze Area Integrated Resource Management Plan prepared by the Bureau of Indian Affairs Navajo Region Western Agency and the Navajo Nation Division of Natural Resources. The Final Programmatic Environmental Assessment, Former Bennett Freeze Area Integrated Resource Management Plan Table of Contents includes: 1. Summary of the Proposed Action; 2. Proposed Action and Alternatives; 3. Affected Environmental and Environmental Consequences; 4. Consultation/Coordination; 5. List of Preparers; 6. References. Appendices include: Economic Impact and Socioeconomic Analysis of the Former Bennett Freeze Area; Response to Public Comments; List of Projects Eligible for Categorical Exclusion; and Land Use Development Analysis Process. Various Tables/Graphs and Maps are also included.

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: 09-28-22
Eligible for Action: 09-29-22

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL—Fourth Year, 2022

3 INTRODUCED BY

4 
5
6 Primary Sponsor

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8 TRACKING NO. 0173-22

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10 AN ACTION
11 RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE AND
12 THE NAABIK'ÍYÁTI COMMITTEE; APPROVING THE FINAL
13 PROGRAMMATIC ENVIRONMENTAL ASSESSMENT, FORMER BENNETT
14 FREEZE AREA INTEGRATED RESOURCE MANAGEMENT PLAN

15
16 BE IT ENACTED:

17
18 SECTION ONE. AUTHORITIES

- 19 A. Pursuant to 2 N.N.C. Section §500 (C)(1), the Resources and Development
20 Committee of the Navajo Nation Council has oversight authority over land,
21 environment, environmental protection, cultural resources “[t]o establish Navajo
22 Nation policy with respect to the optimum utilization of all Navajo Nation resources
23 and to protect the rights, interests, sacred sites and freedoms of the Navajo Nation and
24 People to such resources, now and for future generations.”
- 25 B. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation
26 Council standing committee and as such empowered the Naabik'iyáti' Committee to
27 coordinate all requests for information, appearances and testimony relating to
28 proposed county, state and federal legislation impacting the Navajo Nation. 2 N.N.C.
29 §§ 700 (A), 701 (A)(6).
- 30

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
4 **SECTION TWO. FINDINGS**

5 A. The Resources and Development Committee through resolution RDCO-35-20
6 approved the “Former Bennett Freeze Area *Draft* Integrated Resource Management
7 Plan,” Exhibit A of the RDCO-35-20.

8 B. The Final Programmatic Environmental Assessment (“Environmental Assessment”),
9 Former Bennett Freeze Area Integrated Resource Management Plan (“Integrated
10 Resource Management Plan” or “IRMP”) was prepared by the Bureau of Indian
11 Affairs Navajo Region Western Agency (“BIA”) and the Navajo Nation Division of
12 Natural Resources (“DNR”) is attached as **Exhibit 1**.

13 C. Former Bennett Freeze Area Background. “In 1966, the Commissioner of Indian
14 Affairs, Robert Bennett, issued a series of administrative orders that restricted
15 development on 1.6 million acres of tribal lands in northeastern Arizona. This
16 became known as the Bennett Freeze and was intended to be a temporary measure
17 until a dispute over the lands between the Navajo Nation and Hopi Tribes was settled.
18 In 2006, Navajo and Hopi leaders signed an Intergovernmental Compact, which a
19 federal court approved in 2007, that lifted the Bennett Freeze, clarified the boundaries
20 of the two reservations in Arizona, and ensured access to religious sites of both
21 Tribes. Nine Chapters of the Navajo Nation were impacted by the 40-year Freeze,
22 which all but stopped development in the area and contributed to poor living
23 conditions for many residents.” Integrated Resource Management Plan, page 1.

24 D. “The proposed federal action is the adoption of an Integrated Resource Management
25 Plan (IRMP) for the Former Bennett Freeze Area (FBFA) as prepared by the Bureau
26 of Indian Affairs (BIA) Navajo Regional Office (NRO) and the Navajo Nation.
27 ...The [Integrated Resource Management Plan] was prepared to update the 2008
28 Recovery Plan and was developed with assistance from the FBFA interdisciplinary
29 Task Force and Core Teams comprising representatives from the BIA and the Navajo
30 Nation.” Integrated Resource Management Plan, page 1.

1 E. The BIA and the Navajo Nation agreed to finalize the Integrated Resource
2 Management Plan in accordance with the American Indian Agriculture Resource
3 Management Act, 25 United States Code Chapter 39 which states: the Integrated
4 Resource Management Plan is a “plan developed pursuant to the process used by
5 tribal governments to assess available resources and to provide identified holistic
6 management objectives that include quality of life, production goals, and landscape
7 descriptions of all designated resources that may include (but not be limited to) water,
8 fish, wildlife, forestry, agriculture, minerals, and recreation, as well as community
9 and municipal resources, and may include any previously adopted tribal codes and
10 plans related to such resources.” 25 USC § 3703(11). This “will ensure proper
11 management of Indian agricultural lands and will produce increased economic
12 returns, enhance Indian self-determination, promote employment opportunities, and
13 improve the social and economic well-being of Indian and surrounding
14 communities.” 25 USC § 3701(4).

15 F. The Former Bennett Freeze Integrated Resource Management Plan “is the Tribe’s
16 strategic plan for the management and development of its own resources. The
17 [Integrated Resource Management Plan] would serve as a basis for future resource
18 decision-making. The planning process is designed to incorporate all pertinent
19 information into one document to guide the future management of an area or
20 resource. The [Integrated Resource Management Plan] sets comprehensive goals for
21 the [Former Bennett Freeze Area], establishes desirable use levels, and identifies
22 types of development and land uses.” Integrated Resource Management Plan, page 1.

23 G. “The purpose of the [Integrated Resource Management Plan] is to meet the social,
24 cultural, economic, and long-term sustainability needs of the residents of the [Former
25 Bennett Freeze Area]. The [Integrated Resource Management Plan] is a strategic,
26 vision-based, long-range management plan based on Navajo Nation members’
27 interests, needs, and concerns for their lands, and natural and cultural resources.”
28 Integrated Resource Management Plan, page 2.

29 H. The Integrated Resource Management Plan also includes a Programmatic
30 Environmental Assessment (“Environmental Assessment”). The Environmental

1 Assessment “was prepared to thoroughly examine the potential environmental
2 impacts of the proposed action and alternative actions in order to support informed
3 decision-making.” Integrated Resource Management Plan, page 1.

- 4 I. The Final Programmatic Environmental Assessment, Former Bennett Freeze Area
5 Integrated Resource Management Plan Table of Contents includes: 1. Summary of
6 the Proposed Action; 2. Proposed Action and Alternatives; 3. Affected Environmental
7 and Environmental Consequences; 4. Consultation/Coordination; 5. List of Preparers;
8 6. References. Appendices include: Economic Impact and Socioeconomic Analysis
9 of the Former Bennett Freeze Area; Response to Public Comments; List of Projects
10 Eligible for Categorical Exclusion; and Land Use Development Analysis Process.
11 Various Tables/Graphs and Maps are also included.

12
13 **SECTION THREE. APPROVAL**

14 The Navajo Nation hereby approves the Final Programmatic Environmental
15 Assessment, Former Bennett Freeze Area Integrated Resource Management Plan
16 prepared by the Bureau of Indian Affairs Navajo Region Western Agency and the
17 Navajo Nation Division of Natural Resources as set forth in **Exhibit 1**.