

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0189-22\_

SPONSOR: Herman M. Daniels, Jr.

**TITLE** An Action Relating to Resources and Development Committee and Naabik'iyáti' Committee; Opposing Garfield Co., Utah, et al. v. Biden, et al., Civil Action No. 4:22-CV-00059-DN, Seeking to Declare President Biden's October 8, 2021 Proclamation Regarding Bears Ears National Monument Unlawful

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Office of Legislative Services  
P.O. Box 3390  
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LEGISLATIVE SUMMARY SHEET  
Tracking No. 0189-22

DATE: October 3, 2022

**TITLE OF RESOLUTION:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE OPPOSING *GARFIELD CO., UTAH, ET AL. V. BIDEN, ET AL.*, CIVIL ACTION NO. 4:22-CV-00059-DN, SEEKING TO DECLARE PRESIDENT BIDEN'S OCTOBER 8, 2021 PROCLAMATION REGARDING BEARS EARS NATIONAL MONUMENT UNLAWFUL

**PURPOSE:** The purpose of this legislation is to oppose *Garfield Co., Utah, et al. v. Biden, et al.*, civil action number 4:22-cv-00059-DN, and to authorize the President of the Navajo Nation, the Speaker of the Navajo Nation Council, and the Navajo Nation Department of Justice, and their designees, to advocate the Navajo Nation's opposition to *Garfield Co., Utah, et al. v. Biden, et al.*, civil action number 4:22-cv-00059-DN.

**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: A Johnson  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 10-10-22  
Eligible for Action: 10-11-22

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

3 INTRODUCED BY

4 

Herman M. Daniels Jr.

5  
6 Primary Sponsor

7  
8 TRACKING NO. 0189-22

9  
10 AN ACTION

11 RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE AND  
12 NAABIK'ÍYÁTI' COMMITTEE OPPOSING *GARFIELD CO., UTAH, ET AL. V.*  
13 *BIDEN, ET AL.*, CIVIL ACTION NO. 4:22-CV-00059-DN, SEEKING TO  
14 DECLARE PRESIDENT BIDEN'S OCTOBER 8, 2021 PROCLAMATION  
15 REGARDING BEARS EARS NATIONAL MONUMENT UNLAWFUL  
16

17 **WHEREAS:**

- 18 A. The Navajo Nation established the Resources and Development Committee ("RDC")  
19 as a Navajo Nation Council standing committee and as such empowered RDC with  
20 oversight of land, environmental protection and cultural resources and authority to  
21 review and recommend resolutions to the Naabik'iyáti Committee and Navajo Nation  
22 Council to accomplish or impact the Committee purpose. *See* 2 N.N.C. §§ 164 (A)(9),  
23 500 (C), 501 (B)(4)(a);
- 24 B. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation  
25 Council standing committee and as such empowered Naabik'iyáti' Committee to  
26 coordinate with all committees, Chapters, branches and entities concerned with all  
27 Navajo appearances and testimony before Congressional committees, and departments  
28 of the United States government. *See* 2 N.N.C. §§ 164 (A)(9), 700 (A), 701 (A)(8);
- 29 C. The Navajo Nation has a government-to-government relationship with the United  
30 States of America, Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.

1 D. On October 8, 2021, U.S. President Joe Biden through Proclamation 10285  
2 reestablished the Bears Ears National Monument and the Bears Ears Commission in  
3 accordance with the terms, conditions, and obligations set forth in President Barack  
4 Obama's Proclamation 9558 to provide guidance and recommendations on the  
5 development and implementation of management plans and on management of the  
6 entire Bears Ears National Monument, attached as **EXHIBIT A** (Proclamation 10285)  
7 and **B** (Proclamation 9558).

8 E. *Garfield Co., Utah, et. al. v. Biden, et. al.*, civil action number 4:22-cv-00059-DN,  
9 attached as **EXHIBIT C**, is a Complaint for Declaratory and Injunctive Relief  
10 challenging President Joe Biden's Proclamation 10285.

11 F. *Garfield Co., Utah, et. al. v. Biden, et. al.*, civil action number 4:22-cv-00059-DN  
12 seeks:

- 13 1. To declare President Biden's October 8, 2021 Proclamation on Bears Ears National  
14 Monument unlawful and exceeding the President's authority under the Monuments  
15 and Antiquities Act in part or in full;
- 16 2. To have injunctive relief issued restraining Defendants and their successors from  
17 implementing or enforcing President Biden's October 8, 2021 Proclamation on  
18 Bears Ears National Monument in part or in full;
- 19 3. To award Plaintiff fees and costs under 28 U.S.C. § 2412;
- 20 4. Other relief as the Court deems just and proper.

21 G. The Navajo Nation consistently supports the Bears Ears National Monument. *See*  
22 Resolution NABIJY-41-19 An Action Relating to the Resources and Development  
23 Committee and the Naabik'iyáti' Committee; *Supporting H.R. 8781 Titled "To Expand*  
24 *the Boundaries of the Bears Ears National Monument, to Ensure Prompt Engagement*  
25 *with the Bears Ears Commission and Prompt Implementation of the Proclamation*  
26 *Establishing the Bears Ears National Monument and for Other Purposes* and  
27 Resolution NABIJY-24-2 *An Action Relating to the Resources and Development*  
28 *Committee and the Naabik'iyáti' Committee; Supporting the Bears Ears Inter-Tribal*  
29 *Coalition: A Collaborative Land Management Plan for the Bears Ears National*  
30 *Monument.*

1 H. 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 vicinity  
5 of Bears Ears.

6 I. It is in the best interest of the Navajo Nation to oppose *Garfield Co., Utah, et al. v.*  
7 *Biden, et al.*, civil action number 4:22-cv-00059-DN.

8  
9 **THEREFORE, BE IT RESOLVED:**

10 A. The Navajo Nation opposes *Garfield Co., Utah, et al. v. Biden, et al.*, civil action  
11 number 4:22-cv-00059-DN.

12 B. The Navajo Nation authorizes the President of the Navajo Nation, the Speaker of the  
13 Navajo Nation Council, and the Navajo Nation Department of Justice, and their  
14 designees, to advocate the Navajo Nation's opposition to *Garfield Co., Utah, et al. v.*  
15 *Biden, et al.*, civil action number 4:22-cv-00059-DN.