

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0199-22_

SPONSOR: Jimmy Yellowhair

TITLE: An Action Relating to Resources and Development; Rescinding RDCMA-27-18 Which Accepted the Bureau of Indian Affairs Recommendation of the Grazing Capacity of Equal Distribution of Ten (10) Sheep Unit Year Long (SUYL) for the Navajo Partitioned Lands; Recommending to the Bureau of Indian Affairs the Modification of Carrying Capacities and Stocking Rates in the Navajo Partitioned Lands with Attention to Diné Traditional Law; and Recommending to the Bureau of Indian Affairs Equal Distribution of Fifty (50) Sheep Unit Year Long (SUYL) for the Navajo Partitioned Lands

Date posted: October 10, 2022 at 5:01PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0199-22

DATE: October 7, 2022

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION, AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; RESCINDING RDCMA-27-18 WHICH ACCEPTED THE BUREAU OF INDIAN AFFAIRS RECOMMENDATION OF THE GRAZING CAPACITY OF EQUAL DISTRIBUTION OF TEN (10) SHEEP UNIT YEAR LONG (SUYL) FOR THE NAVAJO PARTITIONED LANDS; RECOMMENDING TO THE BUREAU OF INDIAN AFFAIRS THE MODIFICATION OF CARRYING CAPACITIES AND STOCKING RATES IN THE NAVAJO PARTITIONED LANDS WITH ATTENTION TO DINÉ TRADITIONAL LAW; AND RECOMMENDING TO THE BUREAU OF INDIAN AFFAIRS EQUAL DISTRIBUTION OF FIFTY (50) SHEEP UNIT YEAR LONG (SUYL) FOR THE NAVAJO PARTITIONED LANDS

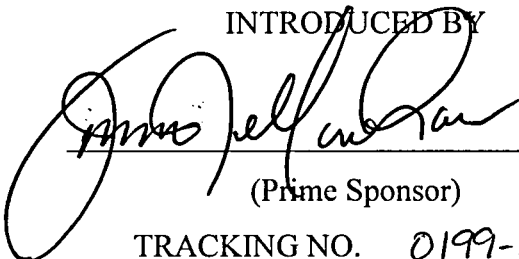
PURPOSE: The purpose of this legislation is to rescind RDCMA-27-18; recommend that the Bureau of Indian Affairs modify the carrying capacities and stocking rates in the Navajo Partitioned Lands with attention to Diné Traditional Law principles included in 1 N.N.C. §§ 202, 203, 205 which state the importance that livestock and land have in sustaining Navajo tradition and culture and the importance of stewardship of all that live on Mother Earth and Father Sky; and, recommend to the Bureau of Indian Affairs the increase of the equal distribution of Sheep Units Year Long (SUYL) from ten (10) to fifty (50 Sheep Units Year Long for the Navajo Partitioned Lands (NPL).

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: 10-15-22
Eligible for Action: 10-16-22

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

3 INTRODUCED BY

4 
5 _____
6 (Prime Sponsor)
7 TRACKING NO. 0199-22

8
9 AN ACTION

10 RELATING TO RESOURCES AND DEVELOPMENT; RESCINDING
11 RDCMA-27-18 WHICH ACCEPTED THE BUREAU OF INDIAN AFFAIRS
12 RECOMMENDATION OF THE GRAZING CAPACITY OF EQUAL
13 DISTRIBUTION OF TEN (10) SHEEP UNIT YEAR LONG (SUYL) FOR THE
14 NAVAJO PARTITIONED LANDS; RECOMMENDING TO THE BUREAU OF
15 INDIAN AFFAIRS THE MODIFICATION OF CARRYING CAPACITIES AND
16 STOCKING RATES IN THE NAVAJO PARTITIONED LANDS WITH
17 ATTENTION TO DINÉ TRADITIONAL LAW; AND RECOMMENDING TO THE
18 BUREAU OF INDIAN AFFAIRS EQUAL DISTRIBUTION OF FIFTY (50) SHEEP
19 UNIT YEAR LONG (SUYL) FOR THE NAVAJO PARTITIONED LANDS

20
21 BE IT ENACTED:

22 **Section One. Authority**

- 23 A. Pursuant to 2 N.N.C. Section §500 (C)(1), the Resources and Development
24 Committee of the Navajo Nation Council has the authority to establish Navajo
25 Nation policy with respect to the optimum utilization of all Navajo Nation resources
26 and to protect the rights, interests, sacred sites and freedoms of the Navajo Nation
27 and People to such resources, now and for future generations.
- 28 B. Pursuant to 2 N.N.C. Section §501 (C)(1), the Resources and Development
29 Committee of the Navajo Nation Council has oversight authority over the Division
30

1 of Natural Resources, including District Grazing Officers, and including grazing
2 issues to accomplish the duties set forth in 3 N.N.C. §§ 832 and 852.
3

4 **Section Two. Findings**

5 A. Resolution RDCMA-27-18 AN ACTION RELATING TO RESOURCES AND
6 DEVELOPMENT; PURSUANT TO 25 CFR § 161.204(c) IMPLEMENTING
7 THE BUREAU OF INDIAN AFFAIRS RECOMMENDATION OF EQUAL
8 DISTRIBUTION OF TEN (10) SHEEP UNITS YEAR LONG (SUYL) FOR THE
9 NAVAJO PARTITIONED LANDS (NPL) AND DIRECTING THE NAVAJO
10 DEPARTMENT OF AGRICULTURE TO IMPLEMENT THE
11 RECOMMENDATIONS OF THE BUREAU OF INDIAN AFFAIRS IN THIS
12 MATTER is attached as **Exhibit 1**.

13 B. The Whippoorwill Chapter Resolution WC-19-59 states the opinion of many
14 residents in the Navajo Partitioned Lands when it states “The Navajo Nation
15 Fundamental Law, under Title 1 of the Navajo Nation Code was totally ignored
16 during the entire process, local residents tried to raise the issue but were not
17 understood and considered by hearing panels[.]” The Whippoorwill Chapter
18 Resolution WC-19-59 is attached as **Exhibit 2**.

19 C. During the Resources and Development Committee (Committee) regular meeting
20 held in Pinon, Arizona on February 19, 2020, a report was received by the
21 Committee relating to the Reissuance of Navajo Partitioned Lands (NPL) Grazing
22 Permits. During this report, the Committee heard that NPL residents did not see
23 how they could maintain their traditional way of life if they were issued only a ten
24 (10) Sheep Units Year Long permit.

25 D. 25 CFR § 161.204 speaks to how carrying capacities and stocking rates are
26 established. It states:

27 (a) BIA, with the concurrence of the Navajo Nation, will prescribe, review and
28 adjust the carrying capacity of each range unit by determining the number of
29 livestock, and/or wildlife, that can be grazed on the Navajo Partitioned Lands
30 without inducing damage to vegetation or related resources on each range unit and

1 the season or seasons of use to achieve the objectives of the agricultural resource
2 management plan and range unit management plan.

3 (b) BIA, with the concurrence of the Navajo Nation, will establish the stocking rate
4 of each range or management unit. The stocking rate will be based on forage
5 production, range utilization, the application of land management practices, and
6 range improvements in place to achieve uniformity of grazing under sustained yield
7 management principles on each range or management unit.

8 (c) BIA will review the carrying capacity of the grazing units on a continuing basis
9 and, in consultation with the Grazing Committee and affected permittees, adjust the
10 stocking rate for each range or management unit as conditions warrant.

11 (d) Any adjustments in stocking rates will be applied equally to each permittee
12 within the management unit requiring adjustment.

13 E. 25 CFR § 161.3 (a) and (d) state that the goals and objectives of grazing
14 management on Navajo Partitioned Lands include to “[t]o respect and recognize
15 the importance that livestock and land have in sustaining Navajo tradition and
16 culture,” 25 CFR § 161.3 (a), and to “[protect, conserve, utilize, and maintain the
17 highest productive potential on the Navajo Partitioned Lands through the
18 application of sound conservation practices and techniques,” 25 CFR § 161.3 (d).

19 F. 25 CFR § 161.100 provides for the applicability of Navajo Nation law “except to
20 the extent that those Navajo Nation laws are inconsistent with this part or other
21 applicable federal law. This part may be superseded or modified by Navajo Nation
22 laws with Secretarial approval however, so long as:

23 (a) The Navajo Nation laws are consistent with the enacting Navajo Nation’s
24 governing documents;

25 (b) The Navajo Nation has notified BIA of the superseding or modifying effect of
26 the Navajo Nation laws;

27 (c) The superseding or modifying of the regulation would not violate a federal
28 statute or judicial decision, or conflict with the Secretary’s general trust
29 responsibility under federal law; and
30

1 (d) The superseding or modifying of the regulation applies only to Navajo
2 Partitioned Lands.” 25 CFR § 161.100 (a)-(d).

3 G. Navajo Nation law includes:

4 (a) 1 N.N.C. § 202 Diné Bi Beehaz’áanii, Diné Traditional Law, “These laws
5 provide sanctuary for the Diné life and culture, our relationship with the world
6 beyond the sacred mountains, and the balance we maintain with the natural
7 world.”

8 (b) 1 N.N.C. § 203 Diné Bits’áádeé’ Beehaz’áanii (J) The Diné and the government
9 can incorporate those practices, principles and values of other societies that are
10 not contrary to the values and principles of Diné Bi Beehaz’áanii and that they
11 deem is in their best interest and is necessary to provide for the physical and
12 mental well-being for every individual.” 1 N.N.C. § 203 (J).

13 (c) 1 N.N.C. § 205 Nahasdzáán dóó Yádiłhil Bits’áádeé’ Beehaz’áanii, Diné
14 Natural Law teaches that “All creation, from Mother Earth and Father Sky
15 to the animals, those who live in water, those who fly and plant life have
16 their own laws and have rights and freedoms to exist; and [t]he Diné have
17 the sacred obligation and duty to respect, preserve and protect all that was
18 provided for we were designated as the steward for these relatives through
19 our use of sacred gifts of language and thinking[.]” 1 N.N.C. § 205 (C), (D).

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21 **Section Three. Rescinding RDCMA-27-18**

22 The Resources and Development Committee of the Navajo Nation Council hereby
23 rescinds RDCMA-27-18.

24
25 **Section Four. Recommending to the Bureau of Indian Affairs Modification of the**
26 **Carrying Capacities and Stocking Rates in the Navajo Partitioned Lands with**
27 **Attention to Diné Traditional Law**

28 The Resources and Development Committee recommends that the Bureau of Indian
29 Affairs modify the carrying capacities and stocking rates in the Navajo Partitioned
30 Lands with attention to Diné Traditional Law principles included in 1 N.N.C. §§

1 202, 203, 205 which state the importance that livestock and land have in sustaining
2 Navajo tradition and culture and the importance of stewardship of all that live on
3 Mother Earth and Father Sky.
4

5 **Section Five. Recommending Increasing the Equal Distribution of Sheep Units**
6 **Year Long (SUYL) from Ten (10) to Fifty (50) for the Navajo Partitioned Lands**
7 **(NPL)**

8 The Resources and Development Committee hereby recommends to the Bureau of
9 Indian Affairs the increase of the equal distribution of Sheep Units Year Long
10 (SUYL) from ten (10) to fifty (50 Sheep Units Year Long for the Navajo Partitioned
11 Lands (NPL).
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