

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0159-25\_

SPONSOR: Crystalyn Curley

**TITLE: An Action Relating to the Naabik'iyáti' Committee; Responding to the United States Department of the Interior's "Dear Tribal Leader" Second Addendum Letter Dated May 1, 2025; Providing the Navajo Nation's Position on the Department of the Interior's Emergency Permitting Procedures for the National Environmental Policy Act, the Endangered Species Act and the National Historic Preservation Act Developed in Response to President Trump's Executive Order 14156 Declaring a National Emergency**

***Date posted: June 27, 2025 at 8:26PM***

**Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)**

**Written comments may be mailed to:**

**Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7586**

**Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.**

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## LEGISLATIVE SUMMARY SHEET

Tracking No. 0159-25

DATE: June 27, 2025

**TITLE OF RESOLUTION:** AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; RESPONDING TO THE UNITED STATES DEPARTMENT OF THE INTERIOR'S "DEAR TRIBAL LEADER" SECOND ADDENDUM LETTER DATED MAY 1, 2025; PROVIDING THE NAVAJO NATION'S POSITION ON THE DEPARTMENT OF THE INTERIOR'S EMERGENCY PERMITTING PROCEDURES FOR THE NATIONAL ENVIRONMENTAL POLICY ACT, THE ENDANGERED SPECIES ACT AND THE NATIONAL HISTORIC PRESERVATION ACT DEVELOPED IN RESPONSE TO PRESIDENT TRUMP'S EXECUTIVE ORDER 14156 DECLARING A NATIONAL ENERGY EMERGENCY

**PURPOSE:** This purpose of this proposed resolution is to approve written comments as the Navajo Nation's position on the Department of Interior ("DOI")'s "Dear Tribal Leader" letter dated May 1, 2025, which is seeking input on DOI's emergency procedures for the National Environmental Policy Act, the Endangered Species Act and the National Historic Preservation Act, which were developed in response to Executive Order 14156.

**FINAL AUTHORITY:** Naabik'íyáti' Committee

**VOTE REQUIRED:** Simple Majority

**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: 07-02-25  
Eligible for Action: 07-03-25

PROPOSED STANDING COMMITTEE RESOLUTION  
25<sup>th</sup> NAVAJO NATION COUNCIL – Third Year, 2025

Introduced By:

\_\_\_\_\_  
(Sponsor)



Tracking No. 0159-25

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; RESPONDING TO THE UNITED STATES DEPARTMENT OF THE INTERIOR'S "DEAR TRIBAL LEADER" SECOND ADDENDUM LETTER DATED MAY 1, 2025; PROVIDING THE NAVAJO NATION'S POSITION ON THE DEPARTMENT OF THE INTERIOR'S EMERGENCY PERMITTING PROCEDURES FOR THE NATIONAL ENVIRONMENTAL POLICY ACT, THE ENDANGERED SPECIES ACT AND THE NATIONAL HISTORIC PRESERVATION ACT DEVELOPED IN RESPONSE TO PRESIDENT TRUMP'S EXECUTIVE ORDER 14156 DECLARING A NATIONAL ENERGY EMERGENCY

WHEREAS:

- A. The Navajo Nation (or the "Nation") established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such empowered the Naabik'íyáti' Committee to coordinate all requests for information, appearances and testimony relating to proposed county, state and federal legislation impacting the Navajo Nation. 2 N.N.C. §§ 700(A) and 701(A)(6).
- B. On February 11, 2025, President Donald Trump issued Executive Order 14210 establishing the "Department of Government Efficiency" Workforce Optimization Initiative, which aims to reform the Federal workforce to maximize efficiency and productivity.

- 1 C. On April 14, 2025, the Department of the Interior (or “DOI”), through Indian Affairs,  
2 sent a “Dear Tribal Leader” letter, to inform Tribes of the federal government’s objective  
3 to streamline operations of Indian Affairs, while also minimizing any potential impact on  
4 the quality of services provided to Tribes (herein referred to as the “April 14<sup>th</sup> letter”).  
5 The Navajo Nation has developed comments in response to the April 14<sup>th</sup> letter, which  
6 are being addressed in a separate Naabik'iyáti' Committee legislations.
- 7 D. On May 1, 2025, DOI, through Indian Affairs, sent a second “Dear Tribal Letter” letter  
8 (herein referred to as the “May 1<sup>st</sup> Letter”) and attached as **Exhibit A**.
- 9 E. Indian Affairs noted that the May 1<sup>st</sup> letter is a Second Addendum to the April 14<sup>th</sup> letter  
10 and is seeking tribal input on DOI’s announcement of emergency permitting procedures  
11 related to President Trump’s Executive Order 14156, (“EO 14156”), which declared a  
12 National Energy Emergency.
- 13 F. The May 1<sup>st</sup> letter states that in response to EO 14156, DOI has adopted emergency  
14 permitting procedures, noting that EO 14156 “recognizes that current delays in energy  
15 project approvals pose significant risks to the nation’s economic stability, national  
16 security, and foreign policy interests.”
- 17 G. According to the May 1<sup>st</sup> letter, emergency permitting procedures have been developed  
18 for three federal laws: the National Environmental Policy Act (“NEPA”), the Endangered  
19 Species Act (“ESA”) and the National Historic Preservation Act (“NHPA”).
- 20 H. The federal government’s authority to enact emergency procedures related to NEPA, the  
21 ESA and the NHPA are found at 43 C.F.R. § 46.150, 50 C.F.R. § 402.05 and 36 C.F.R.  
22 § 800.12, respectively.
- 23 I. The Navajo Nation’s written comments in response to the May 1<sup>st</sup> letter are attached as  
24 **Exhibit B**.
- 25 J. The Navajo Nation’s comments include the following key concerns:
- 26 i. The Nation expresses concerns with the shortened NEPA timelines contained in  
27 the NEPA emergency procedure. Under the NEPA emergency procedure, if an  
28 Environmental Assessment (“EA”) is required, it would be completed within  
29 fourteen (14) days. If an Environmental Impact Statement (“EIS”) is required, it  
30 will be completed within twenty-eight (28) days. Additionally, the NEPA

1 emergency procedure allows for an EA or EIS to be finalized without the federal  
2 agency providing a draft EA/EIS for public comment. The emergency EIS  
3 process does allow for an initial public comment period before the EIS is  
4 developed, but that public comment period is typically not to go beyond ten (10)  
5 days.

6 ii. The inclusion of uranium among the covered energy resources eligible for fast-  
7 tracked approval under the NEPA emergency procedure is especially alarming to  
8 the Nation. The comments note the Nation's long-standing opposition to uranium  
9 development, which stems from a history of devastating environmental and health  
10 consequences. The comments state that the federal government's failure to clean  
11 up hundreds of abandoned uranium mines on Navajo lands is an ongoing breach  
12 of trust, and the suggestion that new uranium projects could be permitted under  
13 the proposed emergency NEPA procedure without robust environmental review  
14 or meaningful tribal consultation is categorically unacceptable.

15 iii. The comments state the Nation's concerns with the lack of consultation contained  
16 in the ESA emergency procedure. The standard formal consultation process  
17 conducted by federal agencies includes thorough conversations with any  
18 impacted tribe to make sure the proposed federal action is not likely to jeopardize  
19 the continued existence of listed species or adversely modify designated critical  
20 habitat. The ESA emergency procedure allows a project to move forward before  
21 any formal consultation occurs, which creates an unacceptable risk of irreversible  
22 harm to fragile desert ecosystems, sacred landscapes, and culturally important  
23 species that the Navajo people have stewarded since time immemorial. The ESA  
24 emergency procedure also ignores the fact that the relationship between listed  
25 species and Native peoples is often uniquely intimate and culturally rooted.

26 iv. The Nation also expresses concerns about the NHPA emergency procedure's lack  
27 of an adequate consultation process. Under the NHPA emergency procedure, a  
28 federal agency will be allowed to deviate from the NHPA Section 106 process.  
29 Among other things, the NHPA emergency procedure would allow federal  
30 agencies to approve energy projects with minimal to no Tribal input prior to

1 ground disturbance and DOI has not clarified whether a Tribal Historic  
2 Preservation Office ("THPO") will retain veto or concurrence authority under the  
3 NHPA emergency procedure.

- 4 v. The Nation's overarching concern with respect to the emergency procedures is  
5 that there must be adequate consultation by the federal government for any  
6 proposed project and that the federal government must act in accordance with its  
7 treaty obligations to the Nation, its trust responsibilities, tribal consultation  
8 requirements and its obligations under applicable federal laws.

9 K. The Naabik'íyáti' Committee hereby finds it in the best interest of the Navajo Nation to  
10 approve the comments contained in **Exhibit B**.

11  
12 **NOW THEREFORE, BE IT RESOLVED:**

- 13 A. The Navajo Nation hereby supports the comments attached as **Exhibit B** as the official  
14 position of the Navajo Nation related to the Department of the Interior's emergency  
15 permitting procedures related to NEPA, the ESA and the NHPA, and authorizes the  
16 submission of the comments to the United States Department of the Interior.
- 17 B. The Navajo Nation hereby authorizes the Navajo Nation President, Navajo Nation Vice-  
18 President and the Speaker of the Navajo Nation Council and their designees to take all  
19 steps necessary to advocate for the Navajo Nation's position with respect to this  
20 resolution.