

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0207-25_

SPONSOR: Shawna Ann Claw

TITLE: An Action Relating to Resources and Development; Temporarily Waiving the Applicability of Specific Provisions of Resolution RCS-51-85, the Protection Zone within the Canyon De Chelly National Monument, Until December 31, 2027 for Homesite Lease Applicants and to Allow Expenditure of FRF/ARPA Funds in the Canyon De Chelly National Monument Protection Zone

Date posted: August 26, 2025 at 7:48PM

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Executive Director
Office of Legislative Services
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LEGISLATIVE SUMMARY SHEET

Tracking No. 0207-25

DATE: August 21, 2025

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; TEMPORARILY WAIVING THE APPLICABILITY OF SPECIFIC PROVISIONS OF RESOLUTION RCS-51-85, THE PROTECTION ZONE WITHIN THE CANYON DE CHELLY NATIONAL MONUMENT UNTIL DECEMBER 31, 2027 FOR HOMESITE LEASE APPLICANTS AND TO ALLOW EXPENDITURE OF FRF/ARPA FUNDS IN THE CANYON DE CHELLY NATIONAL MOUNUMENT PROTECTION ZONE

PURPOSE: This purpose of this proposed resolution is to temporarily waive the applicability of Resolution No. RCS-51-85 ("Establishing a Protection Zone within the Boundaries of Canyon De Chelly National Monument to Protect Scenic, Scientific, Natural and Cultural Resources from Activities and Developments Deemed to be a Threat or an Adverse Impact Until a Joint Management Plan between the Navajo Nation Bureau of Indian Affairs, and the National Park Service is Developed and Approved") until December 31, 2027 for homesite lease applicants and for FRF/ARPA funded projects within the Canyon De Chelly Protection Zone.

FINAL AUTHORITY: Resources and Development 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:
Website Posting Time/Date:
Posting End Date: 08-31-25
Eligible for Action: 09-01-25

PROPOSED STANDING COMMITTEE RESOLUTION
25th NAVAJO NATION COUNCIL -- Third Year, 2025

Introduced by:



(Prime Sponsor) *Shawna ArmClaw*

Tracking No. 0207-25

AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT; TEMPORARILY
WAIVING THE APPLICABILITY OF SPECIFIC PROVISIONS OF
RESOLUTION RCS-51-85, THE PROTECTION ZONE WITHIN THE CANYON
DE CHELLY NATIONAL MONUMENT, UNTIL DECEMBER 31, 2027 FOR
HOMESITE LEASE APPLICANTS AND TO ALLOW EXPENDITURE OF
FRF/ARPA FUNDS IN THE CANYON DE CHELLY NATIONAL MOUNUMENT
PROTECTION ZONE

BE IT ENACTED:

SECTION ONE. AUTHORITY

Pursuant to 2 N.N.C. §501 (B)(2), the Resources and Development Committee of the Navajo Nation Council has authority to give final approval of all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations.

SECTION TWO. FINDINGS

- A. The Resources Committee (Predecessor to the Resources and Development Committee) passed Resolution No. RCS-51-85 "Establishing a Protection Zone ("Protection Zone")

1 within the Boundaries of Canyon De Chelly National Monument to Protect Scenic,
2 Scientific, Natural and Cultural Resources from Activities and Developments Deemed to
3 be a Threat or an Adverse Impact Until a Joint Management Plan between the Navajo
4 Nation Bureau of Indian Affairs, and the National Park Service is Developed and
5 Approved”, attached hereto and incorporated herein as **Exhibit A**.

6 B. The Protection Zone is described in Resolution RCS-51-85: “The protection zone hereby
7 established covers all lands within the approximate park boundary including a buffer
8 along the south and north main roads at a distance 1,000 feet away from the road on the
9 side away from the canyon rim. The protection zone will extend up to the Navajo
10 Community College [now Diné College] turnoff on the north rim and the Spider Rock
11 turnoff including Monument, Canyon de Chelly, Black Rock, Del Muerto, and other
12 significant canyons.” **Exhibit A**, Resolved Clause Paragraph 3.

13 C. At Paragraph 8 of the Whereas Clauses of Resolution RCS-51-85, the Resources
14 Committee stated: “The Chairman of the Navajo Tribal Council has asked the Chairman
15 of the Resources Committee of the Navajo Tribal Council to establish a moratorium on
16 new construction within the boundaries of Canyon De Chelly National Monument
17 pending the development and approval of the Joint Management plan.”

18 D. On June 21, 2018, a STRATEGIC AGREEMENT between the Navajo Nation, National
19 Park Service, and Bureau of Indian Affairs for the Cooperative Stewardship of Canyon
20 de Chelly (“Strategic Agreement”) was developed. The Strategic Agreement is attached
21 as **Exhibit B**.

22 E. At page A-10 of the Strategic Agreement, the issue of Homesite Leases is addressed. It
23 states:

24 *Homesite Lease*

25 *Navajo Nation*

26 *Land Department*

27 *Responsibility: The Resources and Development Committee through resolution RDCO-*
28 *74-16 delegated its authority to the Navajo Land Department to approve, issue, amend,*
29 *assign, relinquish, and execute homesite leases. The Navajo Land Department (NLD) is*
responsible for issuing homesite leases, generally for one-acre homesite lease for 75

1 *years. The lease provides an opportunity for the Navajo families to build a home or*
2 *mortgage a home with leasehold interest. Before obtaining a homesite Lease, the Lessee*
3 *must comply with all federal and Navajo environmental laws to obtain clearances to*
4 *build a home on the Navajo Nation.*

5 *Legal Reference: Pursuant to N.N.C. § 501 (B) (3)*

6 ***Navajo Nation***

7 ***Land Department***

8 *Responsibility: The Land Department issues homesite leases, but cannot do so for*
9 *Canyon de Chelly due to establishment of a protection zone within the Boundaries of*
10 *Canyon de Chelly National Monument. The Resources and Development Committee has*
11 *the authority to waive the 1985 moratorium or it can be lifted with finalization of a Joint*
12 *Management Plan.*

13 *Legal Reference: RCS-51-85, Establishing a Protection Zone within the Boundaries of*
14 *Canyon de Chelly National Monument*

- 15 F. A Joint Management Plan has not been developed.
- 16 G. Navajo citizens wish to establish homesites within the Canyon De Chelly Protection
- 17 Zone.
- 18 H. The Navajo Nation was allocated funds under Fiscal Recovery Fund ("FRF") from the
- 19 provisions of the American Rescue Plan Act ("ARPA"). Temporarily waiving RCS-51-
- 20 85 will allow for completion of FRF/ARPA funded projects.
- 21 I. The Chinle Chapter through Resolution CHIN-APR-25-013 supports the temporary
- 22 waiver of Resolution RCS-51-85. Resolution CHIN-APR-25-013 is attached as **Exhibit**
- 23 **C.**
- 24 J. The United States Department of the Interior, Interior Region 8, National Park Service,
- 25 Canyon de Chelly Monument, in a letter dated May 14, 2025, "recognize[s] that there are
- 26 a number of residents living within the protection zone that do not have utilities or who
- 27 desire a homesite lease." In addition, the letter states: "we felt it would be prudent to
- 28 continue to meet and determine a procedure that all applicants desiring utilities and /or
- 29 homesites would have to follow that would ensure the protection of critical resources and

1 the view.” The National Park Service, Canyon de Chelly Monument letter dated May 14,
2 2025 is attached as **Exhibit D**.

3
4 **SECTION THREE. TEMPORARILY WAIVING SPECIFIC PROVISIONS OF**
5 **RESOLUTION NO. RCS-51-85 “ESTABLISHING A PROTECTION ZONE WITHIN**
6 **THE BOUNDARIES OF CANYON DE CHELLY NATIONAL MONUMENT TO**
7 **PROTECT SCENIC, SCIENTIFIC, NATURAL AND CULTURAL RESOURCES FROM**
8 **ACTIVITIES AND DEVELOPMENTS DEEMED TO BE A THREAT OR AN ADVERSE**
9 **IMPACT UNTIL A JOINT MANAGEMENT PLAN BETWEEN THE NAVAJO**
10 **NATION BUREAU OF INDIAN AFFAIRS, AND THE NATIONAL PARK SERVICE IS**
11 **DEVELOPED AND APPROVED” UNTIL DECEMBER 31, 2027 FOR ALL HOMESITE**
12 **LEASE APPLICANTS AND FOR FRF/ARPA FUNDED PROJECTS WITHIN THE**
13 **CANYON DE CHELLY PROTECTION ZONE.**

14 A. The Resources and Development Committee of the Navajo Nation Council hereby
15 temporarily waives specific provisions of Resolution No. RCS-51-85 “Establishing a
16 Protection Zone within the Boundaries of Canyon De Chelly National Monument to
17 Protect Scenic, Scientific, Natural and Cultural Resources from Activities and
18 Developments Deemed to be a Threat or an Adverse Impact Until a Joint Management
19 Plan between the Navajo Nation Bureau of Indian Affairs, and the National Park Service
20 is Developed and Approved,” **Exhibit A**, until December 31, 2027 for homesite lease
21 applicants and for FRF/ARPA funded projects within the Canyon De Chelly Protection
Zone.

22 B. The specific provisions of Resolution RCS-51-85, Resolved Clause Paragraph 1, which
23 are temporarily waived are the prohibition against house trailers; wells and water tanks;
24 roads for homesites and utility access; and sewage disposal lagoons or treatment
25 facilities.

26 C. The Resources and Development Committee of the Navajo Nation Council hereby
27 waives the applicability of Resolution No. RCS-51-85 with respect to the homesite lease
28 applications subject to the following terms and conditions:
29

1. The applicants/lessees shall comply with provisions for Homesite Lease Policies and Procedures for Tribal Trust/Fee Land.
2. The applicants/lessees shall obtain a permit from the Navajo Forestry Department prior to cutting any trees within the homesite lease area.

D. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the Director of the Navajo Land Department to process and to execute all documents necessary to effectuate the intent and purpose of this resolution.