THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: 0281-26 **SPONSOR:** Shawna Ann Claw

TITLE: **An Action Relating to the Naabik'íyáti' Committee; Opposing the Bureau of Land Management's Proposed Revision of its Land Use Planning Regulations as Published; And Approving the Navajo Nation's Comments on the Proposed Rule**

Date posted: **November 13, 2026 at 8:23 PM**

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0281-26

DATE: November 13, 2026

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; OPPOSING THE BUREAU OF LAND MANAGEMENT'S PROPOSED REVISION OF ITS LAND USE PLANNING REGULATIONS AS PUBLISHED; AND APPROVING THE NAVAJO NATION'S COMMENTS ON THE PROPOSED RULE

PURPOSE: This legislation, if approved, would oppose the Bureau of Land Management's proposed revision of its land use planning regulations as published, approve the Navajo Nation's comments on the proposed rule, and authorize their submission to the Secretary of the Interior and the Bureau of Land Management.

FINAL AUTHORITY: Naabik'íyáti' Committee

VOTE REQUIRED: Simple Majority Vote

This written summary does not address amendments as may be proposed before the Budget and Finance Committee. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: ALMKTAT
Website Posting Time/Date: _____
Posting End Date: 11-18-26
Eligible for Action: 11-19-26

PROPOSED STANDING COMMITTEE RESOLUTION

25th NAVAJO NATION COUNCIL—Fourth Year, 2026

Introduced by:

ShawnaAnn Claw

Primary Sponsor

Tracking No. 0281-26

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; OPPOSING THE BUREAU OF LAND MANAGEMENT'S PROPOSED REVISION OF ITS LAND USE PLANNING REGULATIONS AS PUBLISHED; AND APPROVING THE NAVAJO NATION'S COMMENTS ON THE PROPOSED RULE

WHEREAS:

A. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council empowered to coordinate with all committees the appearance and testimony of the Navajo Nation before federal, state and other non-Navajo government entities, and to review and continually monitor the programs and activities of federal departments through the intergovernmental relationships between the Navajo Nation and those departments. 2 N.N.C. §§ 700(A), 701(A)(7) and 701(A)(8).

B. On November 10, 2026, the Bureau of Land Management published a proposed rule titled Revision of Regulations for Planning, Programming, Budgeting, FR Doc. 2026-22860, Docket No. BLM-2026-0298 ("proposed rule"), which would rewrite the regulations at 43 C.F.R. part 1600 that govern how the Bureau prepares, revises and amends the land use plans for the public lands it manages. The Bureau will accept comments through January 11, 2027. The proposed rule is attached as **Exhibit A** and is available at https://www.federalregister.gov/d/2026-22860.

C. The United States has a trust responsibility to the Navajo Nation and obligations under the Treaty of 1868, and it must honor those obligations, including through meaningful government-to-government consultation, whenever it acts in ways that affect Navajo lands, waters, people and cultural resources.

D. The Bureau of Land Management manages public lands that border the Navajo Nation and that are intermixed with Navajo trust, allotted and fee lands in the checkerboard area of the Eastern Agency in New Mexico. The Bureau's land use plans determine how those lands may be used, including for grazing, rights-of-way, minerals and energy development.

E. Those plans also govern places of deep importance to the Diné. In its Farmington planning area, the Bureau has identified pueblitos that the Diné built in Dinétah during the 1600s and 1700s for protection as areas of critical environmental concern, and it has recognized Ch'óol'į'í (Gobernador Knob) as a Native American traditional use and sacred area.

F. By proclamation of July 13, 2026, the President reduced the Bears Ears National Monument to approximately 121,096 acres, removed approximately 1,238,904 acres from the monument, and disbanded and terminated the Bears Ears Commission, through which the Navajo Nation, the Hopi Tribe, the Ute Indian Tribe, the Ute Mountain Ute Tribe and the Pueblo of Zuni had provided guidance on the management of the monument. Future planning for the excluded public lands that the Bureau manages will be governed by the Bureau's planning regulations.

G. Section 202(c)(9) of the Federal Land Policy and Management Act, 43 U.S.C. § 1712(c)(9), directs the Secretary of the Interior to coordinate land use planning for the public lands with the land use planning and management programs of or for Indian tribes, to consider the policies of approved tribal land resource management programs, to keep apprised of tribal land use plans, to assure that consideration is given to tribal plans that are germane, and to assist in resolving inconsistencies between federal and non-federal government plans. The Bureau's existing regulations carry out that direction by requiring land use plans to be consistent with the officially approved or adopted resource related plans of Indian

tribes, as well as those of states and local governments, so long as the land use plans also remain consistent with federal law. 43 C.F.R. § 1610.3-2(a).

H. The proposed rule would remove Indian tribes from the consistency requirement, so that land use plans would need to be consistent only with the approved plans of states and local governments; would give Governors and local governments 30 days to review proposed plans for inconsistencies while giving Tribes no comparable review; would drop the existing requirement to invite federally recognized Tribes to participate as cooperating agencies; and would give Tribes, like states and local governments, only 45 days to identify their approved plans for those plans to be considered. Proposed 43 C.F.R. §§ 1610.31, 1610.32, 1610.41(a)(2), 1610.52 and 1610.53.

I. The Navajo Nation has approved resource-related plans of its own, including community-based land use plans that receive final approval from the Resources and Development Committee, 2 N.N.C. § 501(B)(2)(d), which is charged with protecting the rights, interests and sacred sites of the Navajo Nation and its People in their resources, 2 N.N.C. § 500(C)(1). Under the proposed rule, the Bureau could approve uses of public land that conflict with those plans without any duty to seek consistency with them.

J. The proposed rule would also reduce public participation by eliminating the 90-day comment period on draft land use plans, limiting comment periods to 30 days with at most a 30-day extension, allowing a public meeting to take the place of a written comment period, no longer requiring notice in the Federal Register when planning begins, eliminating planning criteria as a separate step, and requiring protests to be filed electronically within 30 days with no extension. These changes would fall hardest on Navajo communities where internet access is limited.

K. The proposed rule would also weaken the protection of areas of critical environmental concern by eliminating the requirement to identify potential areas in draft plans with a 60-day comment period and notice in the Federal Register, by limiting boundaries to the smallest area necessary, and by allowing State Directors to remove or modify designations through planning, even though Congress directed

the Bureau to give priority to the designation and protection of these areas. 43 U.S.C. § 1712(c)(3).

L. Proposed 43 C.F.R. § 1611.10 would allow any individual in the Office of the Secretary of the Interior who has been appointed by the President, by and with the advice and consent of the Senate, to authorize modified procedures for amending land use plans in emergency circumstances, a term the proposed rule does not define. Those modifications could shorten comment periods or waive notice or protest, waive parts of the Bureau's coordination procedures, including its invitation to Tribes to participate, shorten the time Tribes have to identify their approved plans, and shorten or waive consistency reviews. On April 23, 2025, the Department of the Interior announced emergency permitting procedures under the national energy emergency declared in Executive Order 14156 that reduce the time for environmental assessments to about 14 days and for environmental impact statements to about 28 days, and those procedures apply to uranium and critical minerals.

M. Through Resolution NABIJY-40-25, the Naabik'íyáti' Committee established the Navajo Nation's position that any acceleration of federal permitting must be accompanied by meaningful government-to-government consultation and protection of sacred sites and cultural resources, that the failure of the United States to clean up hundreds of abandoned uranium mines on Navajo lands is an ongoing breach of trust, and that expedited approval of new uranium projects without robust environmental review or meaningful tribal consultation is categorically unacceptable. The emergency procedures in the proposed rule could be used to amend land use plans for such projects with shortened public review and without the Bureau's normal coordination with Tribes.

N. The Navajo Nation is not opposed to efficient land use planning or to responsible development of public lands, and it supports the Navajo allottees and communities who depend on that development. The Navajo Nation asks only that Tribes be treated at least as well as states and local governments in a process that decides the use of lands within and next to Navajo country.

O. Through Resolution NABIAP-11-23, the Naabik'íyáti' Committee opposed the withdrawal of approximately 351,000 acres of public land surrounding Chaco Canyon and stated that the Navajo Nation does not support a buffer zone around Chaco Canyon, in support of Navajo allottees who depend on the development of their allotted lands and minerals. Nothing in this resolution changes that position.

P. The Navajo Nation has developed written comments on the proposed rule, which (i) support the Bureau's stated objectives of timely planning and responsible development; (ii) object to the provisions that would remove Tribes from the consistency requirement, reduce public participation, weaken the protection of areas of critical environmental concern and allow emergency procedures to bypass Tribes; (iii) request government-to-government consultation; and (iv) propose specific revisions to the regulatory text, attached as **Exhibit B**.

Q. It is in the best interest of the Navajo Nation to oppose the proposed rule as published, to approve and adopt the comments within **Exhibit B**, and to authorize their submission to the Secretary of the Interior and the Bureau of Land Management for inclusion in the rulemaking record.

NOW THEREFORE, BE IT RESOLVED:

A. The Navajo Nation hereby opposes the Bureau of Land Management's proposed rule, Revision of Regulations for Planning, Programming, Budgeting, as published, approves and adopts the comments of the Navajo Nation on the proposed rule, attached as **Exhibit B**, and authorizes the submission of those comments to the Secretary of the Interior and the Director of the Bureau of Land Management for inclusion in the administrative record of Docket No. BLM-2026-0298 on or before January 11, 2027.

B. The Navajo Nation calls on the Bureau of Land Management to keep Indian tribes in the consistency requirement of its planning regulations, to keep the right of Tribes to identify inconsistencies and to receive documentation of how they were addressed, and to give Tribes a review of proposed land use plans that is at least equal to the review given to Governors and local governments.

C. The Navajo Nation calls on the Bureau to keep the 90-day comment period on draft land use plans, notice in the Federal Register when planning begins, written comment opportunities that a public meeting cannot replace, and the option to file protests in writing by mail as well as electronically, and to give Tribes at least 90 days to identify their approved plans.

D. The Navajo Nation calls on the Bureau to keep public notice and comment on proposed areas of critical environmental concern and to consult with affected Tribes before reducing or removing any designation that protects cultural resources or sacred places.

E. The Navajo Nation calls on the Bureau to define emergency circumstances narrowly in the regulation itself, to bar any waiver of coordination with Tribes, and to bar the use of emergency procedures for any plan amendment that would affect sacred sites or cultural resources unless the affected Tribes have been consulted.

F. The Navajo Nation calls on the Bureau to keep the invitation to federally recognized Tribes to participate as cooperating agencies in the development and revision of land use plans, and requests government-to-government consultation with the Navajo Nation before the Bureau finalizes the rule.

G. Nothing in this resolution shall be construed to change the Navajo Nation's position on the Chaco Canyon withdrawal and buffer zone stated in Resolution NABIAP-11-23, or to oppose the development of allotted lands and minerals by Navajo allottees.

H. The Navajo Nation hereby authorizes the Navajo Nation President, the Navajo Nation Vice-President, the Speaker of the Navajo Nation Council, and their designees to take all steps necessary to advocate for the Navajo Nation's position with respect to this resolution.

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