

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0247-22_

SPONSOR: Thomas Walker, Jr.

TITLE: An Action Relating to the Resources and Development Committee; Approving the Final Programmatic Environmental Assessment, Former Bennett Freeze Area Integrated Resource Management Plan; Approval of the Balanced Growth Emphasis Alternative; and Recommending the BIA Adopt the Final Programmatic Environmental Assessment, Former Bennett Freeze Area Integrated Resource Management Plan

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0247-22

DATE: December 9, 2022

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION, AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE FINAL PROGRAMMATIC ENVIRONMENTAL ASSESSMENT, FORMER BENNETT FREEZE AREA INTEGRATED RESOURCE MANAGEMENT PLAN; APPROVAL OF THE BALANCED GROWTH EMPHASIS ALTERNATIVE; AND RECOMMENDING THE BIA ADOPT THE FINAL PROGRAMMATIC ENVIRONMENTAL ASSESSMENT, FORMER BENNETT FREEZE AREA INTEGRATED RESOURCE MANAGEMENT PLAN

PURPOSE: The purpose of this legislation is to approve the Final Programmatic Environmental Assessment, Former Bennett Freeze Area Integrated Resource Management Plan prepared by the Bureau of Indian Affairs Navajo Region Western Agency and the Navajo Nation Division of Natural Resources. The legislation will also approve and adopt the Final Former Bennett Freeze Area Integrated Resource Management Plan under the Balanced Growth Emphasis Alternative. The legislation also recommends the Bureau of Indian Affairs adopt the Final Programmatic Environmental Assessment, Former Bennett Freeze Area Integrated Resource Management Plan.

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: J. Johnson
Website Posting Time/Date: _____
Posting End Date: 12-17-22
Eligible for Action: 12-18-22

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL—Fourth Year, 2022
INTRODUCED BY

Primary Sponsor

WCD [Signature]

TRACKING NO. 0247-22

AN ACTION

RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE;
APPROVING THE FINAL PROGRAMMATIC ENVIRONMENTAL
ASSESSMENT, FORMER BENNETT FREEZE AREA INTEGRATED
RESOURCE MANAGEMENT PLAN; APPROVAL OF THE BALANCED
GROWTH EMPHASIS ALTERNATIVE; AND RECOMMENDING THE BIA
ADOPT THE FINAL PROGRAMMATIC ENVIRONMENTAL
ASSESSMENT, FORMER BENNETT FREEZE AREA INTEGRATED
RESOURCE MANAGEMENT PLAN

BE IT ENACTED:

SECTION ONE. AUTHORITIES

A. Pursuant to 2 N.N.C. Section §500 (C)(1), the Resources and Development Committee of the Navajo Nation Council has oversight authority over land, environment, environmental protection, cultural resources “[t]o establish Navajo Nation policy with respect to the optimum utilization of all Navajo Nation resources and to protect the rights, interests, sacred sites and freedoms of the Navajo Nation and People to such resources, now and for future generations.”

1 B. Pursuant to 2 N.N.C. Section §500 (C)(2), the Resources and Development
2 Committee of the Navajo Nation Council has the authority “[t]o oversee
3 regulation of activities on Navajo Nation lands for disposition or acquisition of
4 resources, surface disturbance, or alternation of the natural state of the resource,
5 including the enforcement and administration of applicable Navajo Nation and
6 federal laws, regulations, guidelines, and administrative procedures in the
7 development and use of resources as a good steward.”
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9 **SECTION TWO. FINDINGS**

10 A. The Resources and Development Committee through resolution RDCO-35-20
11 approved the “Former Bennett Freeze Area *Draft* Integrated Resource Management
12 Plan,” Exhibit A of the RDCO-35-20.

13 B. The Final Programmatic Environmental Assessment, Former Bennett Freeze Area
14 Integrated Resource Management Plan prepared by the Bureau of Indian Affairs
15 Navajo Region Western Agency and the Navajo Nation Division of Natural
16 Resources is attached as **Exhibit 1**.

17 C. **Exhibit 1**, Integrated Resource Management Plan, section 1.1, at page one provides
18 Former Bennett Freeze Area Background: “In 1966, the Commissioner of Indian
19 Affairs, Robert Bennett, issued a series of administrative orders that restricted
20 development on 1.6 million acres of tribal lands in northeastern Arizona. This
21 became known as the Bennett Freeze and was intended to be a temporary measure
22 until a dispute over the lands between the Navajo Nation and Hopi Tribes was settled.
23 In 2006, Navajo and Hopi leaders signed an Intergovernmental Compact, which a
24 federal court approved in 2007, that lifted the Bennett Freeze, clarified the boundaries
25 of the two reservations in Arizona, and ensured access to religious sites of both
26 Tribes. Nine Chapters of the Navajo Nation were impacted by the 40-year Freeze,
27 which all but stopped development in the area and contributed to poor living
28 conditions for many residents.”

29 D. “The proposed federal action is the adoption of an Integrated Resource Management
30 Plan (IRMP) for the Former Bennett Freeze Area (FBFA) as prepared by the Bureau

1 of Indian Affairs (BIA) Navajo Regional Office (NRO) and the Navajo Nation.
2 ...The [Integrated Resource Management Plan] was prepared to update the 2008
3 Recovery Plan and was developed with assistance from the FBFA interdisciplinary
4 Task Force and Core Teams comprising representatives from the BIA and the Navajo
5 Nation.” **Exhibit 1**, page 1.

6 E. The BIA and the Navajo Nation agreed to finalize the Integrated Resource
7 Management Plan in accordance with the American Indian Agriculture Resource
8 Management Act, 25 United States Code Chapter 39 which states: the Integrated
9 Resource Management Plan is a “plan developed pursuant to the process used by
10 tribal governments to assess available resources and to provide identified holistic
11 management objectives that include quality of life, production goals, and landscape
12 descriptions of all designated resources that may include (but not be limited to) water,
13 fish, wildlife, forestry, agriculture, minerals, and recreation, as well as community
14 and municipal resources, and may include any previously adopted tribal codes and
15 plans related to such resources.” 25 USC § 3703(11). This “will ensure proper
16 management of Indian agricultural lands and will produce increased economic
17 returns, enhance Indian self-determination, promote employment opportunities, and
18 improve the social and economic well-being of Indian and surrounding
19 communities.” **Exhibit 1**, page 1.

20 F. The Former Bennett Freeze Integrated Resource Management Plan “is the Tribe’s
21 strategic plan for the management and development of its own resources. The
22 [Integrated Resource Management Plan] would serve as a basis for future resource
23 decision-making. The planning process is designed to incorporate all pertinent
24 information into one document to guide the future management of an area or
25 resource. The [Integrated Resource Management Plan] sets comprehensive goals for
26 the [Former Bennett Freeze Area], establishes desirable use levels, and identifies
27 types of development and land uses.” **Exhibit 1**, page 1.

28 G. The Integrated Resource Management Plan also includes a Programmatic
29 Environmental Assessment which “was prepared to thoroughly examine the potential
30

1 environmental impacts of the proposed action and alternative actions in order to
2 support informed decision-making.” **Exhibit 1**, page 1.

3 H. “The purpose of the [Integrated Resource Management Plan] is to meet the social,
4 cultural, economic, and long-term sustainability needs of the residents of the [Former
5 Bennett Freeze Area]. The [Integrated Resource Management Plan] is a strategic,
6 vision-based, long-range management plan based on Navajo Nation members’
7 interests, needs, and concerns for their lands, and natural and cultural resources.”
8 **Exhibit 1**, page 2.

9 I. The Final Programmatic Environmental Assessment, Former Bennett Freeze Area
10 Integrated Resource Management Plan Table of Contents includes: 1. Summary of
11 the Proposed Action; 2. Proposed Action and Alternatives; 3. Affected Environmental
12 and Environmental Consequences; 4. Consultation/Coordination; 5. List of Preparers;
13 6. References. Appendices include: Economic Impact and Socioeconomic Analysis
14 of the Former Bennett Freeze Area; Response to Public Comments; List of Projects
15 Eligible for Categorical Exclusion; and Land Use Development Analysis Process.
16 Various Tables/Graphs and Maps are also included.

17 J. The Navajo Nation will approve adopt the Final Integrated Resource Management
18 Plan under the Balanced Growth Emphasis Alternative as stated at page 13 of **Exhibit**
19 **1**.

20 K. The Balanced Growth Emphasis Alternative “supports environmentally and culturally
21 responsible growth and economic development. The Balanced Growth Emphasis
22 Alternative considers current Navajo Nation protection zones and restrictions on
23 development and requires the more robust integrated management techniques
24 identified in the IRMP. Development on FBFA land would conform to the goals and
25 objectives of the IRMP. This alternative focuses on balancing growth and economic
26 development with minimal impact on environmental and cultural resources. The
27 Balanced Growth Emphasis Alternative was developed to incorporate community
28 goals and objectives of the affected communities while considering natural and
29 cultural resources and existing infrastructure in the [Former Bennett Freeze Area].”
30 **Exhibit 1**, page 13.

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2 **SECTION THREE. APPROVAL OF FINAL PROGRAMMATIC**
3 **ENVIRONMENTAL ASSESSMENT, FORMER BENNETT FREEZE AREA**
4 **INTEGRATED RESOURCE MANAGEMENT PLAN; APPROVAL OF**
5 **FORMER BENNETT FREEZE AREA INTEGRATED RESOURCE**
6 **MANAGEMENT PLAN UNDER THE BALANCED GROWTH EMPHASIS**
7 **ALTERNATIVE; AND RECOMMENDING THE BIA ADOPT THE FINAL**
8 **PROGRAMMATIC ENVIRONMENTAL ASSESSMENT, FORMER**
9 **BENNETT FREEZE AREA INTEGRATED RESOURCE MANAGEMENT**
10 **PLAN**

- 11 A. The Navajo Nation hereby approves the Final Programmatic Environmental
12 Assessment, Former Bennett Freeze Area Integrated Resource Management Plan
13 prepared by the Bureau of Indian Affairs Navajo Region Western Agency and the
14 Navajo Nation Division of Natural Resources as set forth in **Exhibit 1**.
- 15 B. The Navajo Nation hereby approves and adopts the Final Former Bennett Freeze
16 Area Integrated Resource Management Plan under the Balanced Growth
17 Emphasis Alternative as described in **Exhibit 1**, page 13.
- 18 C. The Navajo Nation hereby recommends the Bureau of Indian Affairs adopt the
19 Final Programmatic Environmental Assessment, Former Bennett Freeze Area
20 Integrated Resource Management Plan, **Exhibit 1**.
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