

RESOLUTION
OF THE RESOURCES COMMITTEE
OF THE NAVAJO NATION COUNCIL

Approving Biological Resource Land Use Clearance Policies and
Procedures to Assist the Navajo Nation Government and Chapters
Ensure Compliance with Federal and Navajo Laws which Protect Fish,
Wildlife, Plant Species and Their Habitat, and Expedite Land Use
Approval

WHEREAS:

1. Pursuant to 2 N.N.C. § 691, the Resources Committee was established as a standing committee of the Navajo Nation Council; and

2. Pursuant to 2 N.N.C. § 695 (B) (14), the Resources Committee of the Navajo Nation Council is the oversight committee for the Division of Natural Resources which includes the Department of Fish and Wildlife; and

3. Pursuant to 2 N.N.C. § 695 (B) (11), the Resources Committee is authorized to oversee the enforcement and administration of applicable Navajo Nation and federal laws, regulations, guidelines, and administrative procedures in the development and utilization of resources; and

4. The federal government and Navajo Nation have enacted laws and regulations which protect, conserve, enhance, and restore fish, wildlife, plant species (wildlife species) and their habitat; and

5. The Navajo Nation government routinely approves of numerous land withdrawals, leases, rights-of-way, land use permits and other licenses and usufructuary interest in Navajo lands which may adversely affect wildlife species and their habitat; and

6. Pursuant to 26 N.N.C. § 1 et seq., the Navajo Nation Council adopted the Navajo Nation Local Governance Act (LGA) which authorizes certified chapters to approve of homesite and business site leases, land use permits, adopt zoning ordinances and develop comprehensive community based land use plans; and

7. Pursuant to 26 N.N.C. § 103 B., all authority exercised by chapters under the LGA shall be consistent with Navajo Nation laws; and

8. There is a need to adopt Biological Resource Land Use Clearance (BRLC) Policies and Procedures to assist the Navajo Nation government and chapters who are developing comprehensive community based land use plans ensure compliance with federal and Navajo laws and regulations which protect wildlife species and their habitat, and expedite land use approval; and

9. After extensive study and research, public and chapter input, the Navajo Nation Department of Fish and Wildlife (NNDFW) has developed BRLC Policies and Procedures, attached hereto as Exhibit "A", to assist the Navajo Nation government and chapters comply with federal and Navajo laws which protect wildlife species and their habitat, and expedite land use approval. Attached to the BRLC Policies and Procedures are maps which identify sensitive species/habitat areas covering the entire Navajo Nation; and

10. The BRLC Policies and Procedures have been designed to expedite the process for review and approval of land withdrawals, homesite leases, business site leases, land use permits, rights-of-way, and other similar land uses; and

11. The NNDFW provided copies of the draft BRLC Policies and Procedures to all 110 chapters through the Division of Community Development for their review and comments. The NNDFW received substantial support from the chapters and public for the proposed BRLC Policies and Procedures and it has been reviewed to incorporate their comments and concerns.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Resources Committee of the Navajo Nation Council hereby approves the Biological Resource Land Use Clearance (BRLC) Policies and Procedures, attached hereto as Exhibit "A", to assist the Navajo Nation government and chapters ensure compliance with federal and Navajo laws that protect wildlife species and their habitat, and expedite land use approval.

2. The Resources Committee of the Navajo Nation Council directs that said BRLC Policies and Procedures be used as a planning mechanism for all proposed land uses, including, but not limited to, rights-of-way, leases, homesite leases, subleases, assignment of leases, sand and gravel permits, prospecting permits, mission site permits, general land use permits, licenses and other similar uses of Navajo Nation trust and fee lands which require the approval of the Resources Committee or the Navajo Land Department.


3. The Resources Committee of the Navajo Nation Council hereby recommends that the Transportation and Community Development Committee, the Economic Development Committee, the Division of Economic Development, the Division of Community Development, certified Navajo Nation chapters, tribal enterprises and other Navajo Nation governmental entities which may have the authority to review and/or approve of the use of Navajo lands, adopt said Policies and Procedures.

4. The Resources Committee of the Navajo Nation Council declares the need for wildlife management to remain as a central government function due to lack of expertise at the local level.

5. The Resources Committee of the Navajo Nation Council hereby directs the Navajo Nation Department of Fish and Wildlife to work with and educate the public and chapters regarding the new BRLC Policies and Procedures and assist the chapters to incorporate said Policies and Procedures into their comprehensive community based land use plans as appropriate.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 5 in favor, 0 opposed and 0 abstained, this 13th day of March, 2003.


LaVern Wagner, Vice Chairperson
Resources Committee

Motion : Norman John, II
Second: Amos Johnson