

RESOLUTION OF THE
NAVAJO NATION COUNCIL

Amending 2 N.N.C. §695(B)

WHEREAS:

1. Pursuant to 2 N.N.C. §102 (A), the Navajo Nation Council is the governing body of the Navajo Nation; and

2. Pursuant to 2 N.N.C. §102 (G), the Navajo Nation Council established standing committees of the Navajo Nation Council and delegated such authorities to standing committees as it deems necessary and proper for such committees to execute its purposes, and the Navajo Nation Council, by 2 N.N.C. §102 (C), reserved unto itself the supervision of all delegated powers; and

3. By Resolution CAP-39-02, the Navajo Nation Council established the Navajo Nation Water Rights Commission by adopting the enabling legislation for said commission. The enabling legislation states that the Commission shall operate under the legislative oversight of the Resources Committee of the Navajo Nation Council; and

4. By Resolution GSCJN-35-02, the Government Services Committee of the Navajo Nation Council upon the recommendation of the Resources Committee of the Navajo Nation Council by Resolution RCJN-85-02 adopted the Navajo Nation Water Rights Commission plan of operation; and

5. Pursuant to the Water Rights Commission plan of operation the Government Services Committee confirms the member appointments. However, the plan of operation charges the Resources Committee with the responsibility of the removal of Commission members; and

6. The process to nominate and confirm the Navajo Nation Water Commission members is a lengthy and time consuming process; and

7. At a June 21, 2002 joint Government Services Committee and Resources Committee meeting, while developing the Water Rights Commission's plan of operation, the Government Services Committee and the Resources Committee arranged by oral agreement that the Resources Committee would confirm the nominated Water Rights Commission members. This arrangement was based on the responsibilities charged to the Resources Committee in regards to the oversight and removal of Water Rights Commission members; and

8. By Resolution RCN-195-02, attached hereto as Exhibit "B", the Resources Committee of the Navajo Nation Council recommends to the Navajo Nation Council an amendment to 2 N.N.C. §695 (B) as attached hereto and incorporated herein by this reference as Exhibit "A" in order to authorize the Resources Committee the authority to confirm the nominated Navajo Nation Water Rights Commission members.

9. By Resolution GSCAP-36-03, attached hereto as Exhibit "C", the Government Services Committee of the Navajo Nation Council recommends to the Navajo Nation Council as amendment to 2 N.N.C. §695 (B) as attached hereto and incorporated herein by this reference as Exhibit "A" in order to authorize the Resources Committee the authority to confirm and nominate Navajo Nation Water Rights Commission members. Resolution GSCAP-36-03 is attached hereto as Exhibit "C".

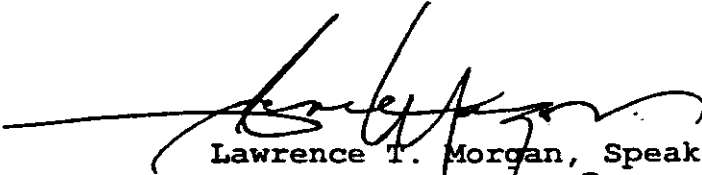
NOW THEREFORE BE IT RESOLVED THAT:

1. Notwithstanding the Government Services Committee's authority to give final confirmation of appointments to Commissions and because of the duties charged to the Resources Committee in regards to the oversight and removal of Water Rights Commission members, the Navajo Nation Council authorizes the Resources Committee the power to confirm nominated Navajo Nation Water Rights Commission members. The Navajo Nation Council hereby amends the Resources Committee's plan of operation as codified at 2 N.N.C. §695 (B) as set forth in Exhibit "A", attached hereto.

2. The Navajo Nation Council hereby directs that the Navajo Nation Water Rights Commission's plan of operation be amended in order to comply with the intent of this resolution.

CERTIFICATION

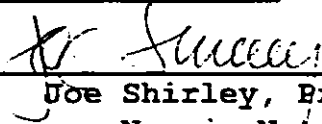
I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 64 in favor, 11 opposed and 0 abstained, this 24th day of April 2003.


Lawrence T. Morgan, Speaker
Navajo Nation Council
01/11/03
Date

Motion: Leo R. Begay
Second: Willie Begay

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby give notice that I will not veto the foregoing legislation, pursuant to 2 N.N.C. Section 1005 (C) (10) on this MAY 12 2003 day of 2003..



Joe Shirley, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. Section 1005 (C) (10) this ___ day of _____ 2003 for the reason(s) expressed in the attached letter to the Speaker.

Joe Shirley, President
Navajo Nation

TITLE 2 - NAVAJO NATION GOVERNMENT

ARTICLE 13. RESOURCES COMMITTEE

§695. Powers

A. The Committee shall have all powers necessary and proper to carry out the purposes set forth above, and to promulgate rules and regulations thereto.

B. The Resources Committee shall have the following powers, including the authority to delegate to appropriate Executive Branch officials within the Division of Natural Resources provided that the Committee first approves rules and regulations governing such delegations and to rescind such delegations, and to adopt resolutions, regulations or policies that shall be necessary and proper for carrying into execution the following powers:

1. To act as the Central Grazing Committee with authority to review, monitor, mediate, and resolve disputes concerning land boundaries, grazing rights, and fences within the Navajo Nation. Any decision shall be appealable to the Navajo Nation Courts.
2. To give final approval of any land exchanges or non-mineral leases, subleases or assignments of leases of Navajo land, rights-of-way, prospecting permits, sand and gravel permits, including royalty rates and bonding rates of such permits, integration of tracts and unitization of approved mineral agreements, mission site leases, and other licenses and usufructuary interests in Navajo land, including unrestricted (fee) land, in accordance with applicable federal and Navajo Nation laws.
3. To review, monitor, prioritize and/or negotiate all proposed land acquisitions and energy development agreements. The Resources Committee shall recommend to the Navajo Nation Council' all actions which may involve the approval of mineral agreements, land acquisitions, and energy development agreements.
4. (i) To give final approval of homesite lease and certificate procedures; including the authority to review and decide disputes and complaints relating to any homesite lease, or certificate, and promulgate rules and regulations thereto. Decisions of the Resources Committee shall be final subject to appeal to Navajo Nation Courts. The Appeal shall be limited to a review of the law and not issues of facts.
 - ii. To delegate authority to the Department Director of the Office of Navajo Land Administration (ONLA) to review and grant individual homesite leases and

certificates in accordance with procedures adopted by the Resources Committee. Such delegated authority shall be limited to withdrawal of one (1) acre or less of Tribal Trust/Fee Lands for residential purposes, excluding the authority to withdraw land for residential subdivisions and other withdrawals.

5. To give final approval of all land withdrawals for residential subdivisions, rights-of-way, including all surface easements and other clearances related but not limited to power line, waterline, and sewer line extensions.

6. To oversee and regulate all activities within Navajo Nation lands, including actions which may involve disposition or acquisition of resources, surface disturbance, or alteration of the natural state of the resource.

7. To approve an overall Resource Management Plan of the Navajo Nation, including regulations governing the designation and use of resources.

8. To approve all water development projects utilizing Navajo water resources.

9. To give final confirmation of appointments to the Navajo Nation Water Rights Commission.

109. To issue cease and desist orders, and to assess fines for violations of its regulations and orders.

1140. 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.

1244. To establish Navajo Nation policy with respect to the optimum utilization of all resources, including the authority to initiate and require studies of the natural resources for the protection and efficient utilization, management, administration, and enhancement of such resources and to approve consultants for such studies. The Resources Committee shall report to the Navajo Nation Council the findings and recommendations of committee studies of such resources.

1342. To represent the Navajo Nation at local, state, and federal levels, in cooperation and coordination with the President of the Navajo Nation and the Intergovernmental Relations Committee of the Navajo Nation Council, on proposed legislation or actions affecting resource issues, natural resources development, and research and energy resources.

1413. To serve as Legislative oversight authority for the Division of Natural Resources, District Grazing Officers, Eastern Navajo Land Board and Farm Boards, and over all matters affecting Navajo resources.

7. The process to nominate and confirm the Navajo Nation Water Commission members is a lengthy and time consuming process; and

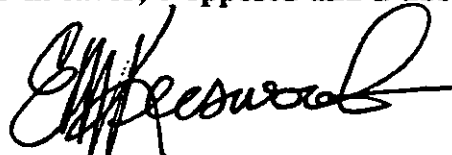
8. By Resolution RCN-195-02, attached hereto as Exhibit "B", the Resources Committee of the Navajo Nation Council recommends to the Navajo Nation Council amendment to 2 N.N.C. §695(B) as attached hereto and incorporated herein by this reference as Exhibit "A" in order to authorize the Resources Committee the authority to confirm the nominated Navajo Nation Water Rights Commission members.

NOW THEREFORE BE IT RESOLVED THAT:

In order to better facilitate the appointment process of future Navajo Nation Water Rights Commission, the Resources Committee should be authorized to confirm the Commission members. The Government Services Committee of the Navajo Nation Council hereby recommends to the Navajo Nation Council amendment to the Resources Committee's Plan of Operation as codified at 2 N.N.C. §695(B) as set forth in Exhibit "A" attached hereto.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Government Services Committee of the Navajo Nation Council at a duly called meeting in 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 2 abstained, this 23rd day of April 2003.



Ervin M. Keeswood, Sr., Chairperson
Government Services Committee

Motion: Charles S. Damon
Second: Cecil Eriacho

RESOLUTION
OF THE RESOURCES COMMITTEE
OF THE NAVAJO NATION COUNCIL

Recommending to the Navajo Nation Council an Amendment to 2
N.N.C. § 695 (B)

WHEREAS:

1. Pursuant to 2 N.N.C. §§ 691 and 693, the Resources Committee is established and continued as a standing committee of the Navajo Nation Council for the purpose of ensuring the optimum utilization of all resources of the Navajo Nation and to protect the rights, interest, and freedoms of the Navajo Nation and Navajo People to such resources; and
2. By Resolution CAP-39-02, the Navajo Nation Council established the Navajo Nation Water Rights Commission by adopting the enabling legislation for said commission. The enabling legislation states that the Commission shall operate under the legislative oversight of the Resources Committee of the Navajo Nation Council; and
3. By Resolution GSCJN-35-02, the Government Services Committee of the Navajo Nation Council, upon the recommendation of the Resources Committee of the Navajo Nation Council by Resolution RCJN-85-02, adopted the Navajo Nation Water Rights Commission Plan of Operation; and
4. The Resources Committee of the Navajo Nation Council continues to ensure the water rights claims of the Navajo Nation are placed as a top priority of the Navajo Government. Water is one of the fundamental aspects of Navajo values and customs and must be protected. Without the assurance that Navajo water rights claims are a top priority, the Navajo Nation stands to lose its rightful claim to the allocation of wet water from the Little Colorado River, Colorado River Main Stem, San Juan River in Utah and San Juan River in New Mexico; and


5. The Resources Committee finds that it is necessary to recommend to the Navajo Nation Council an amendment to 2 N.N.C. § 695 (B) authorizing the Committee to grant final confirmation of Navajo Nation Water Rights Commission members, attached hereto and incorporated herein by this reference as Exhibit "A", in order to better facilitate the confirmation process.

NOW, THEREFORE, BE IT RESOLVED THAT:

In order to better facilitate the appointment process of future Navajo Nation Water Rights Commissioners, the Resources Committee should be authorized to confirm the Commission members. The Resources Committee of the Navajo Nation Council hereby supports and recommends to the Navajo Nation Council amendment to the Committee's Plan of Operation as codified at 2 N.N.C. § 695 (B) as set forth in Exhibit "A" attached hereto.

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 14th day of November, 2002.


Elmer G. Mallford
Chairperson Pro Tem
Resources Committee

Motion: Norman John, II
Second: Jack Colorado