

**LEGISLATIVE SUMMARY SHEET**

**Tracking No.** 0025-17

**DATE:** January 12, 2017

**TITLE OF RESOLUTION:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES; RESPECTFULLY REQUESTING THE UNITED NATIONS TO CONDUCT A FIELD HEARING REGARDING THE IMPACTS OF HYDRAULIC FRACTURING

**PURPOSE:** This resolution if approved will supports and recommends having the United Nations observe, document and conduct a field hearing for the purpose of exploring the impacts of hydraulic fracking.

**This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed legislation in detail.**

5-DAY BILL HOLD PERIOD: 5uth  
Website Posting Time/Date: 1-12-17 15:14 pm  
Posting End Date: 1-17-17  
Eligible for Action: 1-18-17

1 PROPOSED STANDING COMMITTEE RESOLUTION  
2 23rd NAVAJO NATION COUNCIL -- Third Year, 2017

3 INTRODUCED BY

4   
5  
6 (Prime Sponsor)



7  
8 TRACKING NO. 0025-17

9  
10 AN ACTION

11 RELATING TO RESOURCES AND DEVELOPMENT AND  
12 NAABIK'ÍYÁTI' COMMITTEES; RESPECTFULLY REQUESTING THE UNITED  
13 NATIONS TO CONDUCT A FIELD HEARING REGARDING THE IMPACTS OF  
14 HYDRAULIC FRACTURING

15  
16 **WHEREAS:**

- 17 A. The Navajo Nation established the Resource Development Committee (RDC) as a  
18 Navajo Nation Council standing committee and as such empowered RDC to review and  
19 recommend resolutions regarding water, land environmental protection and minerals. 2  
20 N.N.C. §§ 164 (A)(9), 500 (A), 500 (C), 500 (C)(2) (2015); *see also* CO-45-12.
- 21 B. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation Council  
22 standing committee and as such empowered Naabik'iyáti' Committee to coordinate all  
23 federal programs and to assist and coordinate all requests for information, appearances  
24 and testimony relating to federal legislation impacting the Navajo Nation. 2 N.N.C. §§  
25 164 (A)(9), 700 (A), 701 (A)(4), 701(A)(6) (2015); *see also* CO-45-12.
- 26 C. The Navajo Nation has a government-to-government relationship with the United States  
27 of America, Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.
- 28  
29  
30

1 D. The resolution of the Diné Hataalii Association, Inc., (DHA) supports initiatives that  
2 protect and prevent further damage and desecration of sacred Diné sites in Dinetah,  
3 attached hereto as **Exhibit A**.

4 E. The Diné Medicine Man Association, Inc. (DMA) also passed a support resolution to  
5 recommend, reaffirm and address the desecration of Diné sacred sites that are damaged  
6 and destroyed and that are under threat of being destroyed, which are to be protected  
7 from further destruction and restored by the peoples, attached hereto as **Exhibit B**.

8 F. Both entities DHA and DMA are officially requesting the United Nations to observe and  
9 conduct a fact finding session as well as a field hearing on the Navajo Nation to explore  
10 the impacts of hydraulic fracking.

11 G. To document all violations under the Declaration of the Rights of Indigenous Peoples and  
12 other human rights violations.

13 H. The Navajo Nation finds it in its best interest to have the United Nations observe,  
14 document and conduct a field hearing for the purpose of exploring the impacts of  
15 hydraulic fracking.  
16

17  
18 **NOW THEREFORE BE IT RESOLVED:**

19 A. The Navajo Nation supports and recommends having the United Nations observe,  
20 document and conduct a field hearing for the purpose of exploring the impacts of  
21 hydraulic fracking.

22 B. The Navajo Nation hereby authorizes the Navajo Nation President, the Navajo Nation  
23 Speaker, the Navajo Nation Chief Justice and their designees, to advocate for the United  
24 Nations to observe, document and conduct a field hearing for the purpose of exploring  
25 the impacts of hydraulic fracking.  
26  
27  
28  
29  
30



## **Resolution of the Diné Hataalii Association Inc., (DHA)**

### **SUPPORTS INITIATIVES THAT PROTECT AND PREVENT FURTHER DAMAGE AND DESECRATION OF SACRED DINÉ SITES IN DINETAH.**

**Res. No. DHA R11-06-16b**

#### **WHEREAS:**

1. The Diné Hataalii Association, Inc., is a unique, authentic, and distinguished “grassroots” Dine-based non-profit 501 (c) (3) organization certified by the Business Regulatory Department under the Navajo Division of Economic Development and is structured and comprised of Executive Board of Directors and twenty-four (24) regional directors who are medicine men and women who serve six (6) Navajo regions, reservation-wide. They are: Crownpoint, Fort Defiance, Chinle, Tuba City, Shiprock, and Utah Aneth Extension; AND
2. The Diné Hataalii Association, Inc., is representative of the medicine people and regarded by the Diné people as qualified to speak with authority on matters on cultural importance, traditional knowledge, ancestral wisdom, intellectual property rights, Diné astronomy, protocol, Diné language, history, customs, and related matters: AND
3. The Diné Hataalii Association, Inc., is incorporated under the Navajo Nation Commerce and has been in existence since 1970. The association is composed of renowned knowledge holders, spiritual healers, (Hataalii’s, Chanters, Singers, Traditional Practitioners, etc.) professors, cultural educators, and community leaders: AND
4. Diné Hataalii Association (DHA) recognizes the significance of the preservation and use of Diné Ceremonial healing interventions and for the physical, mental, emotional, and social health and wellbeing of present and future generations of Diné: AND
5. Whereas the Diné traditional medicine-people always have the commitment to teach, preserve, and protect the health and safety of the Diné people as well as the welfare of the Diné Nation through providing exceptional protocol of the traditional/ecological knowledge of the distinctive oral philosophy of our Indigenous ways of life on the basis of the Diné ancient oral sacred philosophy of the Spiritual Belief Foundation. Hence, it always has been the moral principle that guided the ceremonial sacred songs and prayers, interwoven with intellectual and oral procedures of planning and teaching with dignity, and integrity is still the effectual foundation of Diné life ways since time immemorial; and
6. The Diiné Hataalii Association Understands the plan for the the United Nations observers will conduct a fact finding session and field hearing in dinétah to explore impacts of hydraulic fracking. The Diné Hataalii Association is in support of the official request to the United Nation’s Observers for the purpose of fact finding and to host a field hearing in the sacred regions of Dinétah - the place of emergence; and to hear from Diné communities suffering from the impacts of regional hydraulic fracking; to witness the damaged Dziłthnahohtlii, which is the Birth place of Changing Woman, to witness the potential for earthquake damage to the Chaco Canyon area and nearby Diné residents due to oil and gas development associated with the extraction technique known as hydraulic fracturing; and to record and document for the record, all violations under the Declaration of the Rights of Indigenous Peoples and all other human rights violations with immediate urgency; and
7. The DinéHataaĥi Association Understands that in Chapter 1. The Foundation of the Diné, Diné Law and Diné Government Diné Bi Beehaz’aanii Bitse Silei-Declaration of the Foundation of Diné Law proclaims:



We, the Diné, the people of the Great Covenant, are the image of our ancestors; and we are created in connection with all creation. Diné Bi Beehaz'aanii Bitsi Silei, the Holy People ordained, through songs and prayers, so that Earth and universe embodied thinking, water and the sacred mountains embodied, air and variegated vegetation embody life, fire, light, and offering sites of variegated sacred stones all of which embody wisdom. These are the fundamental tenets established. Thinking is the foundation of planning. Life is the foundation of wisdom. Upon our creation, these were instituted within us and we embody them. Accordingly, we are identified by: our Diné name, our clan, our language, our life way, our shadow, and our footprints. Therefore, we were called the Holy Earth-Surface-People. From here, growth began and the journey proceeds. Different thinking, planning, life ways, languages, beliefs, and laws appear among us; but the fundamental laws placed by the Holy People remain unchanged. Hence, as we were created with living soul, we remain Diné forever; and

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Diné Hataalii Association hereby supports the official request to the United Nation's Observers for the purpose of fact finding and to host a field hearing in the sacred regions of Dinétah - the place of emergence;
2. The Diné Medicine Man Association is in support of recommendations to the Bureau of Indian Affairs, under the Department of the Interior, to conduct a federal inter-agency field hearing on the hydraulic fracturing with: USEPA Region 9, Center for Disease Control and Prevention, Agency for Toxic Disease Control Registry, Bureau of Land Management, Chaco Canyon National Park Staff, New Mexico Oil and Gas Division, Navajo Nation Health, Education, Human Services Committee, Navajo Resources Committee, and the Indian Allottee-Land Owners and other responsible and/or vested parties or parties with a legitimate stake hold; and That upon the completion of the inter-agency field hearing, a report be written and submitted with testimonies and a detailed proposed plan of action by the lead responsible party within the BIA Office headquarters in Washington, D.C., so as to ensure unbiased reporting and so that the Eastern Navajo BIA Superintendent is not tainted with bias and self-interest. Further recommending that the field hearing will be coordinated with the Leadership and traditional/ecological knowledge of the Diné Hataalii Association and that this hearing occurs with immediate urgency

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Dine Hataalii Association, Inc., at a duly called meeting at the residence of Anson Etsitty, in Many Farms, Arizona, at which a quorum was present and that same was passed by a vote of 26 in favor, 0 opposed and 0 abstained on — November 6, 2016.

Motioned: David began      Seconded: Anson Etsitty

Dr. David Johns  
Dr. David Johns, DHA President

Mr. Lorenzo Max  
Mr. Lorenzo Max, DHA Vice-President



Diné Medicinemen Association, Incorporated

Diné Bi Nahagha' Yee Da' Ahoota'  
P.O. Box 476  
Window Rock, Arizona 86515

**Diné Medicine Man Association, Inc.**

**Support Resolution to Recommend, Reaffirm, and Address the Desecration of Diné Sacred Sites that are Damaged and Destroyed and that are Under Threat of Being Destroyed, which are to be Protected and from Further Destruction and Restored for the Peoples.**

*Whereas* the Diné Medicine Men Association, Inc. (Diné Bi Nahaga Yee Da'ahoota) is a non-profit organization incorporated with the Navajo Nation of Commerce and has been in existence since the early 1970's; and

*Whereas* the Diné traditional medicine-people always have the commitment to teach, preserve, and protect the health and safety of the Diné people as well as the welfare of the Diné Nation through providing exceptional protocol of the traditional/ecological knowledge of the distinctive oral philosophy of our Indigenous ways of life on the basis of the Diné ancient oral sacred philosophy of the Spiritual Belief Foundation. Hence, it always has been the moral principle that guided the ceremonial sacred songs and prayers, interwoven with intellectual and oral procedures of planning and teaching with dignity, and integrity is still the effectual foundation of Diné life ways since time immemorial; and

*Understanding* that in Chapter 1. The Foundation of the Diné, Diné Law and Diné Government

§ 1. Diné Bi Beehaz'aanii Bitse Silei-Declaration of the Foundation of Diné Law proclaims:

We, the Diné, the people of the Great Covenant, are the image of our ancestors; and we are created in connection with all creation. Diné Bi Beehaz'aanii Bitsi Silei, the Holy People ordained, through songs and prayers, so that Earth and universe embodied thinking, water and the sacred mountains embodied, air and variegated vegetation embody life, fire, light, and offering sites of variegated sacred stones all of which embody wisdom. These are the fundamental tenets established. Thinking is the foundation of planning. Life is the foundation of wisdom. Upon our creation, these were instituted within us and we embody them. Accordingly, we are identified by: our Diné name, our clan, our language, our life way, our shadow, and our footprints. Therefore, we were called the Holy Earth-Surface-People. From here, growth began and the journey proceeds. Different thinking, planning, life ways, languages, beliefs, and laws appear among us; but the fundamental laws placed by the Holy People remain unchanged. Hence, as we were created with living soul, we remain Diné forever; and

*Be it hereby resolved* that the Diné Medicine Man Association recommends; and

1. *Requests*, the Navajo Nation fully supports the Diné Medicine Man Association in an official request to the United Nation's Observers for a fact finding, field hearing in the sacred regions of Dinétah - the place of emergence; and to hear from Diné communities suffering from the impacts of regional hydraulic fracking; to witness the damaged Dziłthnahothlii, which is the Birth place of Changing Woman, to witness the potential for earthquake damage to the Chaco Canyon area and nearby Diné residents due to oil and gas development associated with the extraction technique known as hydraulic fracturing; and to record and document for the record, all violations under the Declaration of the Rights of Indigenous Peoples and all other human rights violations with immediate urgency;

2. *Further requests*, that the Navajo Nation fully supports the Diné Medicine Man Association in an official request to the Bureau of Indian Affairs, under the Department of the Interior, perform a federal inter-agency field hearing on the hydraulic fracturing with: USEPA Region 9, Center for Disease Control and Prevention, Agency for Toxic Disease Control Registry, Bureau of Land Management, Chaco Canyon National Park Staff, New Mexico Oil and Gas Division, Navajo Nation Health, Education, Human Services Committee, Navajo Resources Committee, and the Indian Allottees-Land Owners and other responsible and/or vested parties or parties with a legitimate stake hold; *and That* upon the completion of the inter-agency field hearing, a report be written and submitted with testimonies and a detailed proposed plan of action by the lead responsible party within the BIA Office headquarters in Washington, D.C., so as to ensure unbiased reporting and so that the Eastern Navajo BIA Superintendent is not tainted with bias and self-interest.

*Further recommending that* the field hearing will be coordinated with the Leadership and traditional/ecological knowledge of the Diné Medicine Man Association and that this hearing occurs with immediate urgency

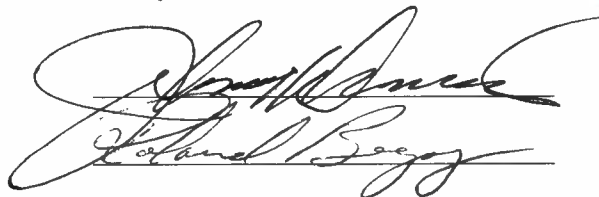
Certification

This resolution was duly considered on September 4, 2016 at Nageezi Chapter, Eastern Navajo Agency, of the Navajo Nation, motioned by Bruce Chan and seconded by Etta Arviso with a vote of 4 In favor, 0 Opposed, and 0 Abstained.

President

Vice President

Secretary/Treasurer

The image shows two handwritten signatures in black ink. The top signature is for the President and the bottom one is for the Vice President. Both signatures are written in a cursive, flowing style.

\_\_\_\_\_

Second: Freddie Howard

CN-69-02

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 13th day of November 2002.

/s/ Kelsey A. Begaye, President  
Navajo Nation

[Editor's Note: standard veto language omitted]

---

## [THE FUNDAMENTAL LAWS OF THE DINE']

### Title 1

#### General Provisions

##### Chapter 1. The Foundation of the Dine', Dine' Law and Dine' Government

##### § 1. Dine' Bi Beehaz'aanii Bitse Silei-Declaration of the Foundation of Dine' Law

We, the Dine', the people of the Great Covenant, are the image of our ancestors and we are created in connection with all creation.

Dine' Bi Beehaz'aanii Bitsi Silei

[Editor's note: 26 lines of Navajo text are omitted here]

The Holy People ordained,

Through songs and prayers,

That

Earth and universe embody thinking,

Water and the sacred mountains embody planning,

Air and variegated vegetation embody life,



Fire, light, and offering sites of variegated sacred stones embody wisdom.

These are the fundamental tenets established.

Thinking is the foundation of planning.

Life is the foundation of wisdom.

Upon our creation, these were instituted within us and we embody them.

Accordingly, we are identified by:

Our Dine' name,

Our clan,

Our language,

Our life way,

Our shadow,

Our footprints.

Therefore, we were called the Holy Earth-Surface-People.

From here growth began and the journey proceeds.

Different thinking, planning, life ways, languages, beliefs, and laws appear among us,

But the fundamental laws placed by the Holy People remain unchanged.

Hence, as we were created with living soul, we remain Dine' forever.

**[Editor's note:** An illustration of Mother Earth and Father Universe is omitted here. It is two circular maps, showing the Navajo Sacred Mountains, with a circular map of the White World below, and a map of the Glittering World above. The Glittering World is shown to be within a dome with the Sun at the apex, and the Moon and stars outside the dome.]

## **§ 2. Dine' Bi Beenahaz'aanii**

The Dine' bi beenahaz'aanii embodies Diyin bitsaadee beehaz'aanii (Traditional Law), Diyin Dine'e bitsaadee beehaz'aanii (Customary Law), Nahasdzaan doo Yadhilhil bitsaadee beehaz'aanii (Natural Law), and Diyin Nohookaa Dine' bi beehaz'aanii (Common Law).

These laws provide sanctuary for the Dine' life and culture, our relationship with the world beyond the sacred mountains, and the balance we maintain with the natural world.

These laws provide the foundation of Dine' bi nahat'a (providing leadership through developing and administering policies and plans utilizing these laws as guiding principles) and Dine' sovereignty. In turn, Dine' bi nahat'a is the foundation of the Dine' bi nahat'a (government). Hence, the respect for, honor, belief and trust in the Dine' bi beenahaz'aanii preserves, protects and enhances the following inherent rights, beliefs, practices and freedoms:

- A. The individual rights and freedoms of each Dine' (from the beautiful child who will be born tonight to the dear elder who will pass on tonight from old age) as they are declared in these laws; and
- B. The collective rights and freedoms of the Diyin Nihookaa Dine' as a distinct people as they are declared in these laws; and
- C. The fundamental values and principles of Dine' Life Way as declared in these laws; and
- D. Self-governance; and
- E. A government structure consisting of Hozhooji Nahat'a (Executive Branch), Naat'aji Nahat'a (Legislative Branch), Hashkeeki Nahata (Judicial Branch), and the Naayee'ji Nahat'a (National Security Branch); and
- F. That the practice of Dine' bi nahat'a through the values and life way embodied in the Dine' bi beenahaz'aanii provides the foundation for all laws proclaimed by the Navajo Nation government and the faithful adherence to Dine' Bi Nahat'a will ensure the survival of the Navajo Nation; [lettering in the original; should be "F"] and
- G. That Dine' bi beenahaz'aanii provides for the future development and growth of a thriving Navajo Nation regardless of the many different thinking, planning, life ways, languages, beliefs, and laws that may appear in the Navajo Nation; and
- H. The right and freedom of the Dine' to be educated as to Dine' Bi Beenahaz'aanii; and
- I. That Dine' Bi Beenahaz'aanii provides for the establishment of governmental relationships and agreements with other nations; that the Dine' shall respect and honor such relationships and agreements and that the Dine' can expect reciprocal respect and honor from such other nations; and

### **§ 3. Diyin Bits'aadee Beehaz'aanii-Dine' Traditional Law**

The Dine' Traditional Law declares and teaches that:

- A. It is the right and freedom of the Dine' to choose leaders of their choice; leaders who will communicate with the people for guidance; leaders who will use their experience and wisdom to

always act in the best interest of the people; and leaders who will also ensure the rights and freedoms of generations yet to come; and

**B.** All leaders chosen by the Dine' are to carry out their duties and responsibilities in a moral and legal manner in representing the people and the government; the people's trust and confidence in the leaders and the continued status as a leader are dependent upon adherence to the values and principles of Dine bi beenahaz'aanii; and

**C.** The leader(s) of the executive branch (Alaaji Hozhooji Naat'aah) shall represent the Navajo Nation to other peoples and nations and implement the policies and laws enacted by the legislative branch; and

**D.** The leader(s) of the legislative branch (Alaaji' Naat'aji Naat'aah and Alaaji' Naat'aji Ndaanit'aii or Naat'aanii) shall enact policies and laws to address the immediate and future needs; and

**E.** The leader(s) of the judicial branch (Alaaji' Haskeeji Naat'aah) shall uphold the values and principles of Dine' bi beenahaz'aanii in the practice of peace making, obedience, discipline, punishment, interpreting laws and rendering decisions and judgments; and

**F.** The leader(s) of the security branch (Alaaji' Naayee'ji Naat'aah) are entrusted with the safety of the people and the government. To this end, the leader(s) shall maintain and enforce security systems and operations for the Navajo Nation at all time and shall provide services and guidance in the event of severe national crisis or military-type disasters; and

**G.** Our elders and our medicine people, the teachers of traditional laws, values and principles must always be respected and honored if the people and the government are to persevere and thrive; the teachings of the elders and medicine people, their participation in government and their contributions of the traditional values and principles of Dine' life way will ensure growth of the Navajo Nation; and from time to time, the elders and medicine people must be requested to provide the cleansing, protection prayers, and blessing ceremonies necessary for securing healthy leadership and the operation of the government in harmony with traditional law; and

**H.** The various spiritual healings through worship, song and prayer (Nahagha) must be preserved, taught, maintained and performed in their original forms; and

**I.** The Dine' and the government must always respect the spiritual beliefs and practices of any person and allow for the input and contribution of any religion to the maintenance of a moral society and government; and

**J.** The Dine' and the government can incorporate those practices, principles and values of other societies that are not contrary to the values and principles of Dine' Bi Beenahaz'aanii and that they deem is in their best interest and is necessary to provide for the physical and mental well-being for every individual.

#### **§ 4. Diyin Dine'e Bitsaadee Beehaz' aanii-Dine' Customary Law**

The Dine' Customary Law declares and teaches that:

- A. It is the right and freedom of the people that there always be holistic education of the values and principles underlying the purpose of living in balance with all creation, walking in beauty and making a living; and
- B. It is the right and freedom of the people that the sacred system of k'e, based on the four clans of Kiiyaa'aanii, Todich'iinii, Honaghaahnii and Hashtl'isihonii and all the descendent clans be taught and preserved; and
- C. It is the right and freedom of the people that the sacred Dine' language (nihiinei') be taught and preserved; and
- D. It is the right and freedom of the people that the sacred bonding in marriage and the unity of each family be protected; and
- E. It is the right and freedom of the people that every child and every elder be respected, honored and protected with a healthy physical and mental environment, free from all abuse.
- F. It is the right and freedom of the people that our children are provided with education to absorb wisdom, self-knowledge, and knowledge to empower them to make a living and participate in the growth of the Navajo Nation.

#### **§ 5. Nahasdzaan doo Yadihil Bits'aadee Beehaz'aanii-Dine' Natural Law**

Dine' Natural Law declares and teaches that:

- A. The four sacred elements of life, air, light/fire, water and earth/pollen in all their forms must be respected, honored and protected for they sustain life; and
- B. The six sacred mountains, Sisnajini, Tsoodzil, Dook'o'oosliid, Dibe Nitsaa, Dzil Na'oodilii, Dzil Ch'ool'i'i, and all the attendant mountains must be respected, honored and protected for they, as leaders, are the foundation of the Navajo Nation; and
- C. All creation, from Mother Earth and Father Sky to the animals, those who live in water, those who fly and plant life have their own laws, and have rights and freedom to exist; and
- D. The Dine' have a sacred obligation and duty to respect, preserve and protect all that was provided for we were designated as the steward of these relatives through our use of the sacred gifts of language and thinking; and
- E. Mother Earth and Father Sky is part of us as the Dine' and the Dine' is part of Mother Earth and Father Sky; The Dine' must treat this sacred bond with love and respect without exerting dominance for we do not own our mother or father.

F. The rights and freedoms of the people to the use of the sacred elements of life as mentioned above and to the use of the land, natural resources, sacred sites and other living beings must be accomplished through the proper protocol of respect and offering and these practices must be protected and preserved for they are the foundation of our spiritual ceremonies and the Dine' life way; and

G. It is the duty and responsibility of the Dine' to protect and preserve the beauty of the natural world for future generations.

### **§ 6. Diyin Nohookaa Dine' Bi Bechaz'aanii-Dine' Common Law**

The Dine' Common Law declares and teaches that:

A. The knowledge, wisdom, and practices of the people must be developed and exercised in harmony with the values and principles of the Dine' Bi Beenahaz'aanii; and in turn, the written laws of the Navajo Nation must be developed and interpreted in harmony with Dine' Common Law; and

B. The values and principles of Dine' Common Law must be recognized, respected, honored and trusted as the motivational guidance for the people and their leaders in order to cope with the complexities of the changing world, the need to compete in business to make a living and the establishment and maintenance of decent standards of living; and

C. The values and principles of Dine' Common Law must be used to harness and utilize the unlimited interwoven Dine' knowledge, with our absorbed knowledge from other peoples. This knowledge is our tool in exercising and exhibiting self-assurance and self-reliance in enjoying the beauty of happiness and harmony; and

#### **Dine' Original Law Structure**

[**Editor's note:** A "table of organization" chart is omitted here. It shows (in Navajo and English) the People at the top; under which are the leaders; "laws" in general are below the leaders; and the laws are divided into the sub-classification boxes of Traditional Law, Customary Law, Natural Law, and Common Law.]





## **Diné Medicine Men's Association, Inc.**

*DINE' BI NAHAGHA' YEE DA' HOTA'*

*P.O. Box 368*

**GALLUP, NEW MEXICO 87305**

### **RESOLUTION**

THE DINE' MEDICINE MEN ASSOCIATION, INC. HEREBY PRESENTS THIS RESOLUTION TO SUPPORT THE DINE' AND THE EASTERN NAVAJO AGENCY TO DISCONTINUE THE FRACKING AND DRILLING OF THE 31 CHAPTERS. THE OIL COMPANIES THAT ARE VIOLATING THE COMMUNITY MEMBERS RIGHTS BY DEVELOPING FRACKING AND DRILLING WITHOUT PRIOR NOTIFICATION WITH THE MEMBERS IN THE ABOVE AREA. THE FRACKING AND DRILLING IMPEDES THE LIFE STYLE OF THE DINE' COMMUNITY MEMBERS WHERE ALL THE SACRED SITES ARE LOCATED.

#### **WHEREAS:**

1. The Dine' Medicine Men's Association, Inc. is a non-profit organization incorporated with Navajo Nation Commerce and has been in existence since the early 1970s. The Association consists of members from the grass-roots level of traditional spiritual leaders (hataalii, cultural educators and traditionalists, and holds a sacred trust from the Holy people as a Dine' Way of Life; and
2. On Dine' tah and the Eastern Navajo Agency of 31 Chapters There documented historic sacred sites recorded at the Navajo Nation Historic Preservation Office. Diné traditional stories (Hane') are documented as being related to the Emergence, the White Shell Woman, the Water Monster and the Sacred Mountains Offering sites. To the Dine' people, The sacred sites exist to Perpetuate Life, and are revered through offering of prayers for the wellness of self, families and relatives on their land and in their communities; and
3. The Dine' Medicine Men's Association as Medicine People of the Navajo Nation do hereby take a defensive position against Fracking and Drilling and further development by the Oil Companies in and around the Dine' tah in the Eastern Navajo Agency's 31 Chapters; and
4. The Dine' community members are spiritually and emotionally threatened by the outsiders who do not understand the significance of what is sacred to the indigenous people who are called Dine' altse' kee hatiinii, first inhabitants of Dine' land before the arrival of the European colonizers. It is believed by many of our Dine' people that the Fracking and Drilling business is leading to damage and further extinction of the Dine' Way of life; and
5. Under some important expressions of international law and policy, including the United Nations Declaration Rights of the Indigenous Peoples (which the Navajo Nation helped develop and officially supported), Indigenous Peoples have the rights to: (1) protect and have

private access to their sacred places (Article 12); (2) strengthen their spiritual relationships with traditionally used lands (Article 25); and (3) determine their own development priorities and strategies through free, prior, and informed consent (Article 32); and

6. Under current laws, rules, and regulations, the U.S. Bureau of Indian Affairs, the U.S. Bureau of Land Management, The State of New Mexico Department of Energy, Minerals, and Natural Resources Oil Conservation Division, and the Navajo Nation Historic Preservation Division should have individually and collectively notified the Dine' Medicine Men's Association, Inc. and the Eastern Navajo Agency of 31 Chapters of the proximity to sacred sites in Dine' tah of the Fracking and Drilling locations. As well, these governmental agencies should have performed the inspections, hearings, and investigations required of them under the laws of due process and equal protection.

**NOW, THEREFORE BE IT RESOLVED THAT:**

1. The Dine' Medicine Men's Association, Inc. supports the Dine' tah and Eastern Navajo Agency 31 Chapters' request to stop the Fracking and Drilling that is desecrating, defiling, and despoiling the sacred sites in and around the area of the Dine' tah and in and on the Eastern Navajo Agency Chapters.
2. The Oil Companies' business development is threatening further extinction of the Dine' Way of Life by bringing disharmony to the spirits on the sacred sites, and that development impedes the rights of the traditional members to make their ceremonial offerings at the sacred sites and where the sacred Herbs grow and are picked for healing.
3. The Medicine People as leaders, are ethically and justly obligated to protect, serve, and heal with ceremonies, and to protect their people from all harm and danger on the Dine' land (Dine' Bikeya). As such leaders, the Medicine People demand that the BIA, the BLM, the New Mexico State OCD, the New Mexico Counties and the New Mexico and Navajo Nation Historic Preservation Departments perform the duties required of them by law to assist the Eastern Navajo Agency of 31 Chapters in safeguarding our sacred sites and Dine' way of life.
4. Therefore, let it be known that we, the members of the Dine' Medicine Men's Association are taking the position that there must be an immediate and permanent moratorium issued against all further extractive activities by commercial or government energy entities in and around Dine' tah and the Eastern Navajo Agency of 31 Chapters; and we, as Medicine People take this stance to safe guard the sacred sites with our prayers for our present and future generations.

**C E R T I F I C A T E**


We hereby certify that the foregoing resolution of the Dine' Medicine Men's Association, Inc., was duly considered by the Association and Board of Directors at a duly called meeting at Huerfano Mesa, Dzilth-na-o-dith-hle New Mexico, at which a

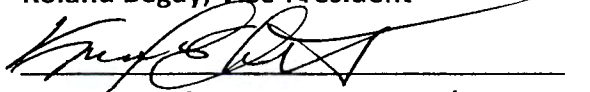
quorum was present, and that the same was approved by the vote of 26 in favor, -0- Opposed and -0- Abstained on the 11<sup>th</sup> day of October 2015..

Motioned by Bruce Chavez, BOD

Seconded by Etta Arviso, BOD

  
\_\_\_\_\_  
Johnson Dennison, President


  
\_\_\_\_\_  
Roland Begay, Vice-President

  
\_\_\_\_\_  
Virginia L. Edgewater, Secretary/Treasurer



**MEMORANDUM**

**TO:** Hon. Jonathan Hale  
23<sup>rd</sup> Navajo Nation Council

**FROM:**   
Rhonda L. Tuni, Attorney  
Office of Legislative Counsel

**DATE:** January 12, 2017

**SUBJECT:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT  
AND NAABIK'ÍYÁTI' COMMITTEES; RESPECTFULLY  
REQUESTING THE UNITED NATIONS TO CONDUCT A FIELD  
HEARING REGARDING THE IMPACTS OF HYDRAULIC  
FRACTURING

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law the resolution as drafted is legally sufficient. In addition, this legislation may raise funding issues.

The Office of Legislative Council confirms the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0025-17\_\_

SPONSOR: Norman M. Begay

TITLE: An Action Relating To Resources And Development And NAABIK'IYATI' Committees; Respectfully Requesting The United Nation To Conduct A Field Hearing Regarding The Impacts Of Hydraulic Fracturing

*Date posted:* January 12, 2017 at 5:14 PM

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)

Written comments may be mailed to:

Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

**Please note:** This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0025-17

SPONSOR: Honorable Norman M. Begay

TITLE: An Action Relating To Resources And Development And NAABIK'IYATI' Committees; Respectfully Requesting The United Nation To Conduct A Field Hearing Regarding The Impacts Of Hydraulic Fracturing

Posted: January 12, 2017 at 5:14 PM

5 DAY Comment Period Ended: January 17, 2017

Digital Comments received:

Comments Supporting	<i>1. Rechanda Lee</i>
Comments Opposing	<i>None</i>
Inclusive Comments	<i>None</i>

  
\_\_\_\_\_  
Policy Analyst  
Office of Legislative Services

*1/18/17 4:07pm*  
\_\_\_\_\_  
Date/Time

# Legislation 0025-17 comments

R Lee <reclee07@gmail.com>

Tue 1/17/2017 3:55 PM

To: comments <comments@navajo-nsn.gov>;

1 attachment

Legislation0025-17\_RLeeComments.docx;

Please see attached document of comment in Legislation 0025-17

Thank you

Rechanda

Executive Director

Office of Legislative Services

PO Box 3390

Window Rock, Navajo Nation (AZ) 86518

January 17, 2017

Dear Executive Director,

I am from a community located on the Eastern side of the Navajo Nation known as Bilagaana Neez (Counselor). For over three years my community has been directly impacted by oil and gas development. We are currently in the middle of a energy war zone and as a result our people are being directly impacted. We have seen and dealt with social, cultural, and environmental injustices. I support Legislation 0025-17 because my community is being directly affected by fracking. We are seeing health issues such as cancer clusters and respiratory problems. We are also seeing more social injustices with increasing violence, drug trafficking, and sexual assault.

Many of our cultural sites and traditional gathering areas have been limited, desecrated, and destroyed. We are concerned with the health and well being of our community and currently our local chapters have been fighting against fracking within the communities of Counselor, Ojo Encino, Torreon, and Nageezi. There has been a large number of well explosions and oil spills within the communities of Counselor and Nageezi. In these two communities there are also parcels that the BLM is trying to lease that are split estate ( Navajo Nation owns the surface but the federal government owns the minerals). These parcels are located where there is a large Navajo population living and again we will be impacted as the threat of water contamination is high. A study needs to be conducted and action on part of the Navajo Nation needs to occur. Please help us and please protect us. Protect our health and well being, our land, and our cultural practices.

Thank you!

Best Regards,

Rechanda Lee

Counselor Community Member

PO Box 455

Nageezi, Navajo Nation (NM) 87037

reclee07@gmail.com