



WESTERN NAVAJO AGENCY COUNCIL

HANK STEVENS
President

JERRY WILLIAMS
Vice-President

SARAH SLIM
Secretary



RESOLUTION OF THE WESTERN NAVAJO AGENCY COUNCIL WNAC RESOLUTION N0: WNAC18-03-NB8

DEMANDING THE REPEAL OF AMENDMENTS TO THE NAVAJO NATION HOMESITE LEASE REGULATIONS APPROVED BY THE RESOURCES AND DEVELOPMENT COMMITTEE ON OCTOBER 4TH, 2016 VIA RESOLUTION # RDCO-74-16; CALLING UPON ALL DINÉ CHAPTERS TO JOINTLY DEVELOP A FOUNDATIONAL DOCUMENT BASED ON THE PRINCIPLES, LAWS AND TEACHINGS EMBEDDED IN DINÉ TRADITIONAL FUNDAMENTAL LAW ON THE USE OF DINÉ BIKÉYAH ON WHICH ALL NAVAJO NATION LAND USE LAWS MUST BE BASED.

WHEREAS;

1. The Western Navajo Agency Council is a recognized governing entity comprised of elected officials from eighteen (18) Navajo Nation Chapters in the Western Navajo Agency and is vested with the authority and responsibility to advocate, promote and support common goals and interests of the Chapters and to advocate on behalf of its constituents for the improvement of health, education, safety and general welfare; and
2. Pursuant to Section 1.B of the Local Governance Act, the Chapters have authority to make decisions over local matters and pursuant to 26 NNC § 103.D.1, the Chapters have authority to issue home and business site leases or permits; and
3. Contrary to the findings of the Resources and Development Committee (RDC) in RDCO-74-16 (October 4, 2016) that Chapters and the public were involved in the processing of the proposal to amend the Homesite Lease Regulations, Western Agency Chapter officials, chapter land use boards and committees, and members of the public in the 18 Chapters never had the opportunity to make their views on the proposed amendments known at any timely-noticed public hearing; in fact, notice by the Navajo Land Department regarding presentations on the proposal at the Chapters was so untimely that very few people attended, and so hurried and time-limited that the attendees were not permitted to ask questions during the presentation until some short time at the very end, let alone generate meaningful discussion; and
4. Furthermore, chapter attendees were informed at the hurried presentations of the Navajo Land Department that the amendments were necessary to address the negative behavior of

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the Diné in the use of their home sites, were already concurred to by the Navajo Nation government and the Bureau of Indian Affairs (BIA), and would be enacted, this without any meaningful input by chapter officials, land use boards and committees who are stewards of local land use as vested in them by the Local Governance Act, and members of the public in the 18 Chapters including traditional practitioners, Diné of all ages, elders and medicine people who are the stewards of our Diné way of life in accordance with Diné bi beenahaz'áanii; and

5. The approval of RDCO-74-16 without either input and agreement by chapter officials, land use boards and committees and without input by the chapter public especially traditional practitioners, Diné of all ages, elders and medicine people violates the mandate of Title 26 that matters such as home and business site leases properly belong at the local Chapter level, and further violates fundamental fairness and due process as provided under our Navajo Nation statutory laws, Navajo Nation case laws, and Diné bi beenahaz'áanii which encompasses unwritten natural laws and the very spiritual foundation of the Diné; and
6. In not seeking meaningful public discussion into either the drafting of the amendments to the homesite lease regulations or approval of the final amendments, the Resource and Development Committee continues a regime of authoritarian paternalistic policies and laws originally initiated years ago by the federal government to control the Diné and to dictate how Diné Bikéyah would be used for the federal government's benefit. Unfortunately, and to the Chapters' dismay, the central Navajo Nation government has copied and applied this attitude and behavior towards their own people and has gotten so authoritarian that RDCO-74-16, a law that impacts every single Diné all across Diné Bikéyah in their need for homes, could be dictated to by a single committee with a vote of 3-2-1 and without even a referral to the President of the Navajo Nation; and
7. It is evident from the approved amendments' restriction of homesite leases to small parcels to individuals, restriction of function, livestock, and imposition of penalties and fines that no consideration was made for Diné life way practices where families collectively group together to farm, raise livestock, and perform homebased entrepreneurship; nor has deference been given to the Diné teaching and value of local governance, the mandates of the Title 1 of the Navajo Nation Code to learn, apply and follow the Fundamental Laws of the Diné and the desire and hope of people to govern themselves as to local land matters at their own Chapter; and
8. The Western Agency Council (all 18 Chapters) agrees with and supports the Diné from all regions of Diné Bikéyah who are petitioning the Navajo Nation to rescind RDCO-74-16

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and repeal the Homesite Lease Policy and Procedures; a copy of a petition being circulated in the western region is attached hereto and incorporated herein as Exhibit A; and

9. The Western Agency Council finds that the Local Governance Act mandate enacted April 28, 1998 by Resolution CAP-34-98, nearly 20 years ago, for local issuance of home and business site leases by certified chapters imposes a requirement on the Navajo Nation central government to immediately initiate a plan for the transition of this authority to certified chapters and;
10. The Western Agency Council further finds that the Local Governance Act mandate for local issuance of home and business site leases by certified chapters imposes a requirement on the Navajo Nation central government that Chapters must be meaningfully included in the drafting of all laws impacting such leases; and
11. The Western Agency Council also finds that the regulation of the use of Diné Bikéyah must be holistically planned, enable continuation of the Diné way of life, and must be premised upon land use principles, laws and teachings embedded in Diné bi beenahaz'áanii that have been approved by the Diné by their vote; it appears from the conduct of the Navajo Nation central government that only when such basic principles, laws and teachings are enumerated by the Diné in the Navajo Nation Code through an initiative or referendum will RDC and the central government be forced to relinquish their centralized government power; and
12. The Western Agency Council calls upon all the Chapters and the Diné to jointly develop a consensus on a foundational document for use of Diné Bikéyah according to principles, laws and teachings in accordance with Diné bi beenahaz'áanii, to be drafted by consensus at the local level to truly reflect the values, goals and desires of the Diné, which will serve as the foundational document for all land use laws; said document to be approved by an initiative or a referendum.

NOW, THEREFORE, BE IT RESOLVED:

1. The Western Agency Council demands the recession of RDCO-74-16; and
2. The Western Agency Council demands the repeal of the Homesite Lease Regulations enacted by RDCO-74-16; and
3. The Western Agency Council strongly urges all of its Chapter Officers, Grazing Committee members, Farm Boards and all administration officials to initiate and coordinate whatever

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4. meetings and discussions are needed to develop the foundational document on the use of Diné Bikéyah and to develop a plan for enactment of the foundational document by an initiative or referendum.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Western Agency Council at a duly called meeting at Naatsis'áán Chapter, Navajo Nation, Arizona, at which a quorum was present and that same was passed by a vote of 28 in favor, 0 opposed and 0 abstained, this 17th day of March 2018.

Hank Stevens, President
Western Navajo Agency Council

Motion: Martha Tate

Second: Willie Greyeyes

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